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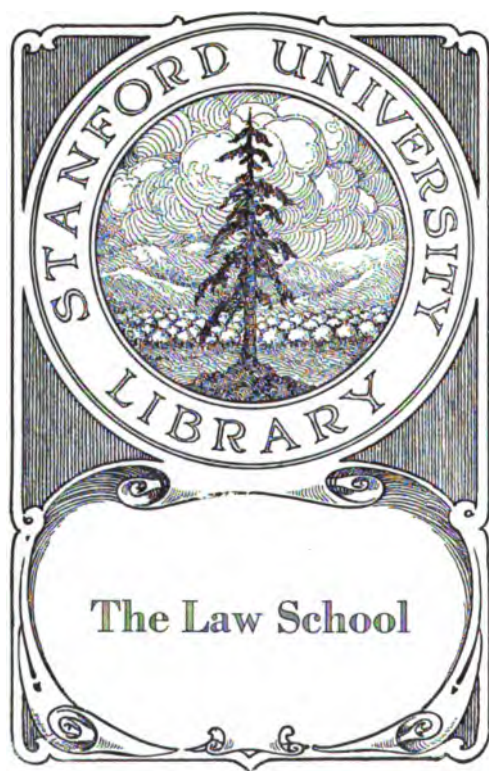
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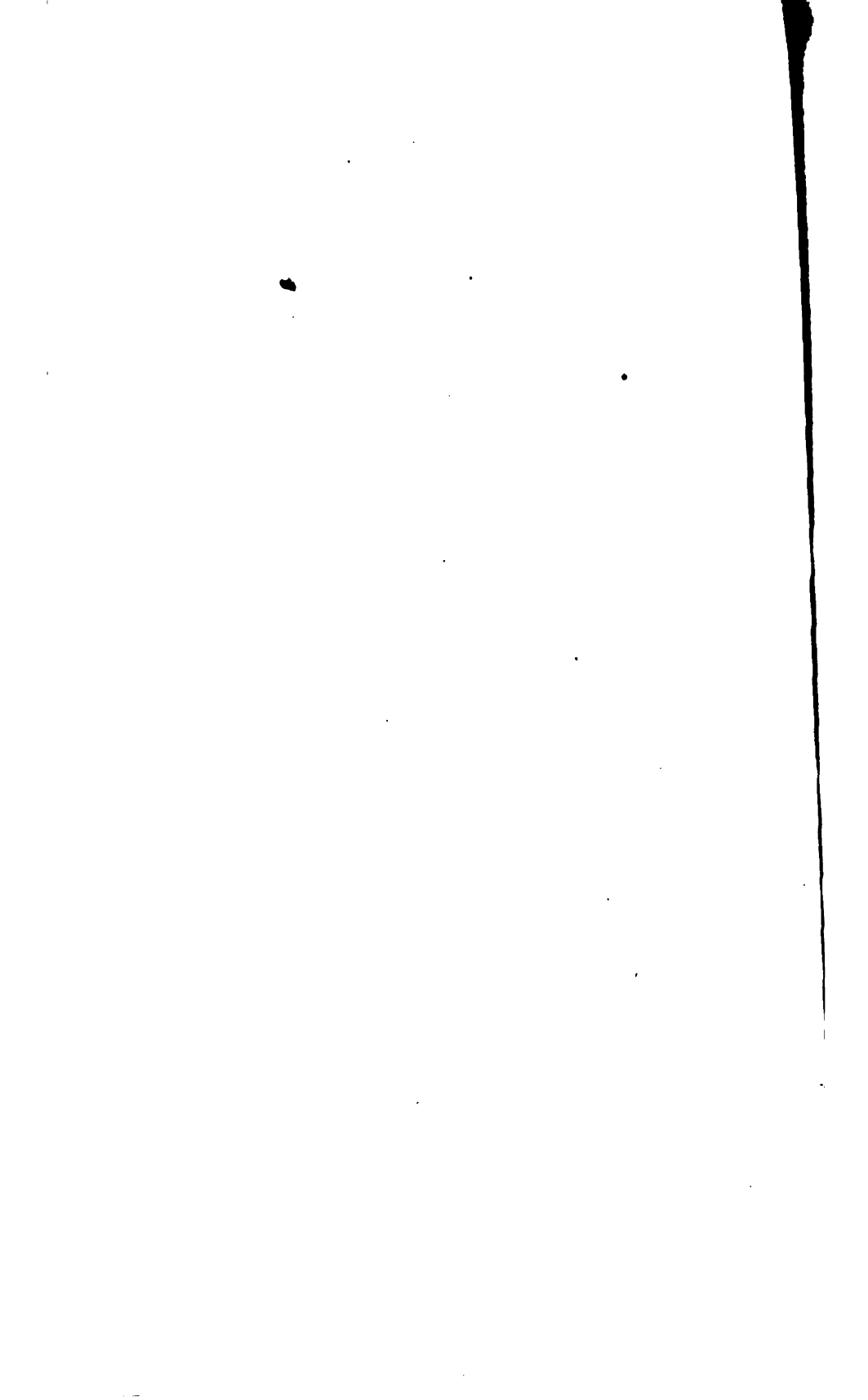
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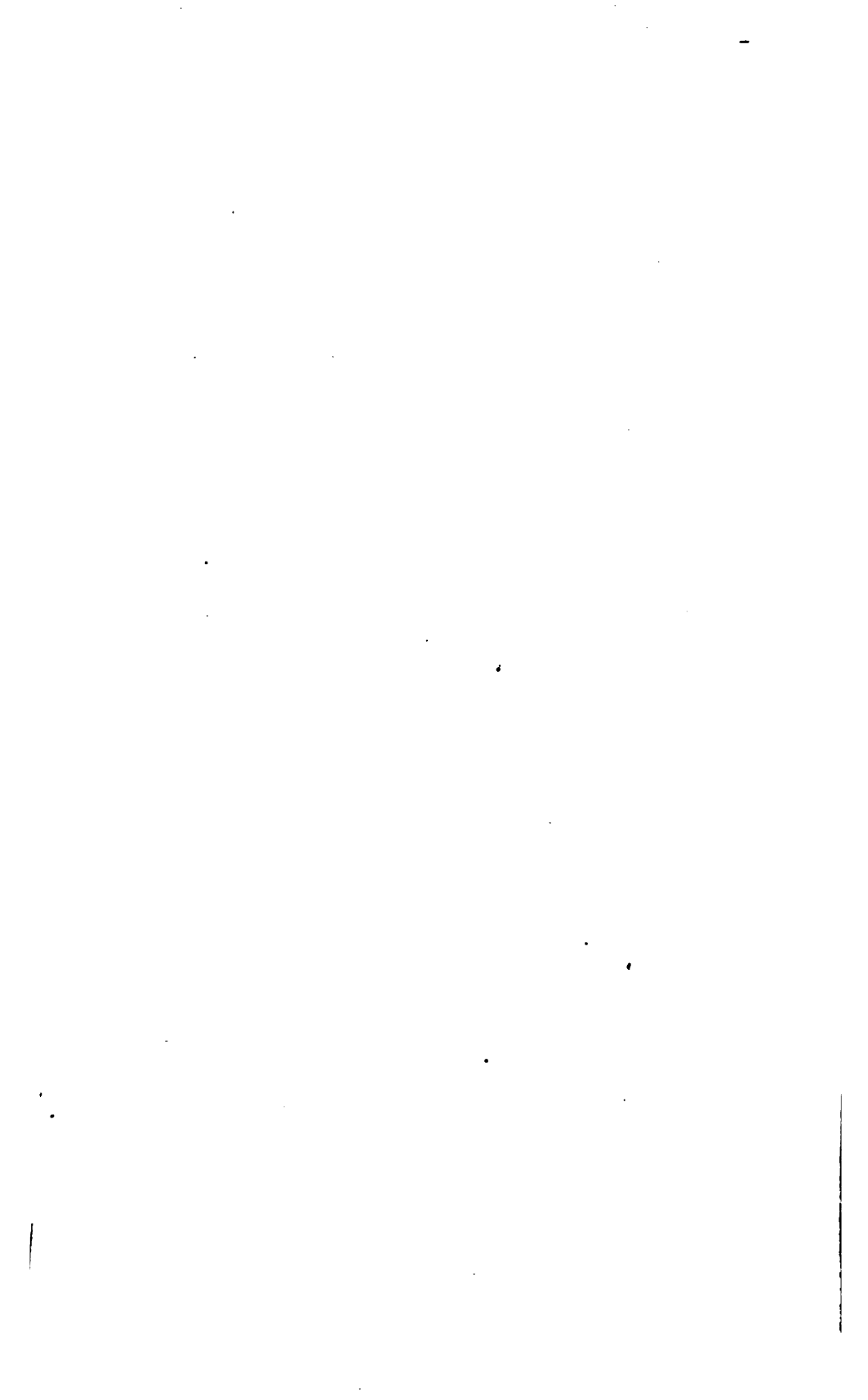
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New York Coll.







L A W S

OF THE

STATE OF NEW YORK,

PASSED AT THE

ONE HUNDRED AND TWENTY-FIRST SESSION

OF THE

LEGISLATURE,

BEGUN JANUARY FIFTH, 1898, AND ENDED MARCH THIRTY-
FIRST, 1898, IN THE CITY OF ALBANY.

VOL. II.



ALBANY :
JAMES B. LYON, PRINTER.
1898.

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AUG 8 1928

VIA RAIL OR BY AIR

CERTIFICATE.

OFFICE OF THE SECRETARY OF STATE
OF THE STATE OF NEW YORK,
ALBANY, *July 1, 1898.* }

Pursuant to the directions of chapter 682, Laws of 1892, entitled "The Legislative Law," I hereby certify that the following volume of the Laws of this State was printed under my direction.

JOHN PALMER,
Secretary of State.

In this volume, every act which received the assent of a majority of all the members of the Legislature, three-fifths of all the members elected to either House thereof being present, pursuant to section 21 of article 3 of the Constitution of this State, is designated under its title by the words "passed, three-fifths being present." And every act which received the assent of a majority of all the members elected to each branch of the Legislature, pursuant to section 15 of article 3 of the Constitution of this State, is designated under its title by the words "passed, a majority being present." And every act which received the assent of two-thirds of all the members elected to each branch of the Legislature, pursuant to section 9 of article 1 of the Constitution of this State, is designated under its title by the words "passed by a two-thirds vote." [See "the Legislative Law," chapter 682, Laws of 1892, as amended by chapter 53, Laws of 1894.]



LIST OF OFFICERS.

"§ 45. Contents of published volumes of session laws.—The Secretary of State shall annually cause * * * a statement of the names and residences of the Governor, Lieutenant-Governor, Senators and Members of Assembly, and presiding officers of both Houses in office during each session to be printed and bound. * * * " *Laws of 1892, Chap. 634, Sec. 45.*

NAMES AND RESIDENCES

OF THE GOVERNOR, LIEUTENANT-GOVERNOR, SENATORS, MEMBERS OF ASSEMBLY AND PRESIDING OFFICERS OF BOTH HOUSES OF THE LEGISLATURE OF THE STATE OF NEW YORK AT THE TIME OF THE PASSAGE OF THE LAWS CONTAINED IN THIS VOLUME.

GOVERNOR.

FRANK S. BLACK *ALBANY, ALBANY COUNTY.

LIEUTENANT-GOVERNOR.

TIMOTHY L. WOODRUFF..... BROOKLYN, KINGS COUNTY.

SENATORS.

District.	NAME.	County.	Address.
1.	Richard Higbie	Suffolk.....	Babylon.
2.	Theodore Koehler	Queens.....	Long Island City.
3.	Frank Gallagher	Kings.....	Brooklyn.
4.	George W. Brush	Kings.....	Brooklyn.
5.	Michael J. Coffey	Kings.....	Brooklyn.
6.	Peter H. McNulty	Kings.....	Brooklyn.
7.	Patrick H. McCarren	Kings.....	Brooklyn.
8.	Albert A. Wray	Kings.....	Brooklyn.
9.	Julius L. Wieman.....	Kings.....	Brooklyn.
10.	John F. Ahearn	New York.....	New York.
11.	Timothy D. Sullivan.....	New York.....	New York.
12.	Samuel J. Foley.....	New York.....	New York.
13.	Bernard F. Martin.....	New York.....	New York.
14.	Thomas Francis Grady	New York.....	New York.
15.	Frank D. Pavey.....	New York.....	New York.
16.	Louis Munzinger	New York.....	New York.
17.	Charles B. Page.....	New York.....	New York.
18.	Maurice Featherson	New York.....	New York.
19.	John Ford	New York.....	New York.
20.	Jacob A. Cantor	New York.....	New York.
21.	Charles Lewis Guy	New York.....	New York.
22.	James Irving Burns	Westchester	Yonkers.
23.	Clarence Lexow	Rockland	Nyack.
24.	William C. Daley.....	Columbia.....	Chatham.
25.	Charles Davis	Ulster	Saugerties.
26.	John Grant†	Delaware.....	Margaretville.
27.	Hobart Krum	Schoharie	Schoharie.
28.	Edgar T. Brackett.....	Saratoga.....	Saratoga Springs.
29.	Myer Nussbaum	Albany.....	Albany.
30.	LeGrand C. Tibbits.....	Rensselaer.....	Hoosick.
31.	George Chahoon	Essex.....	Ausable Forks.
32.	George R. Malby	St. Lawrence	Ogdensburg.
33.	Walter L. Brown.....	Otsego.....	Oneonta.
34.	Henry J. Coggeshall.....	Oneida.....	Waterville.

* Official residence.

† Elected November 3, 1896, vice James Ballantine, deceased.

LIST OF OFFICERS.

SENATORS — (Continued).

District.	NAME.	County.	Address.
35....	Elon R. Brown*.....	Jefferson	Watertown.
36....	Horace White.....	Onondaga	Syracuse.
37....	Nevada N. Stranahan	Oswego	Fulton.
38....	William Elting Johnson	Tioga	Waverly.
39....	Benjamin M. Wilcox	Cayuga	Auburn.
40....	Edwin C. Stewart	Tompkins	Ithaca.
41....	John S. Sheppard	Yates.....	Penn Yan.
42....	John Raines	Ontario.....	Canandaigua.
43....	Cornelius R. Parsons	Monroe.....	Rochester.
44....	Henry Harrison	Monroe.....	Brockport.
45....	Timothy Edwards Ellsworth	Niagara	Lockport.
46....	Lester H. Humphrey	Wyoming	Warsaw.
47....	Charles Lamy	Erie	Buffalo.
48....	Simon Seibert	Erie	Buffalo.
49....	George A. Davis.....	Erie	Lancaster.
50....	Frank W. Higgins.....	Cattaraugus.....	Olean.

* Elected November 2, 1897, *vice* Joseph Mullin, deceased.

MEMBERS OF ASSEMBLY.

District.	NAME.	County.	Address.
1....	Wm. L. Coughtry	Albany	Slingerlands.
2....	James B. McEwan.....	Albany	Albany.
3....	George F. Kelly	Albany	Albany.
4....	George W. Stedman.....	Albany	Loudonville.
1....	Almanzo W. Litchard	Allegany	Rushford.
1....	Charles E. Fuller.....	Broome	Conklin.
2....	Edgar L. Vincent	Broome	Maine.
1....	George A. Stoneman	Cattaraugus.....	Machias.
2....	Girvase A. Matteson.....	Cattaraugus.....	East Otto.
1....	Elias Q. Dutton	Cuyuga	Cato.
2....	George S. Fordyce	Cayuga	Union Springs.
1....	Frederick R. Peterson	Chautauqua.....	Jamestown.
2....	Samuel Frederick Nixon	Chautauqua.....	Westfield.
	John H. Holbert	Chemung	Chemung.
	Jotham P. Allds	Chenango	Norwich.
	Edmund J. Pickett.....	Clinton	Saranac.
	Robert Hoes.....	Columbia	Maiden Bridge.
	David W. Van Hoesen	Cortland	Cortland.
	Delos Axtell	Delaware.....	Barbourville.
1....	John A. Hanna.....	Dutchess.....	Dover Plains.
2....	William A. Tripp.....	Dutchess.....	Rhinecliff.
1....	Anthony J. Boland.....	Erie	Buffalo.
2....	Henry Weyland Hill.....	Erie	Buffalo.
3....	William Maloney.....	Erie	Buffalo.
4....	John C. Mohring.....	Erie	Buffalo.
5....	Henry Streifler.....	Erie	Buffalo.
6....	Nicholas J. Miller	Erie	Buffalo.
7....	John K. Patton	Erie	Tonawanda.
8....	E. Freeman Baker.....	Erie	Orchard Park.
	James H. Pierce.....	Essex	Bloomingtondale.
	Thomas A. S. ars	Franklin	Bombay.
	Daniel Hays	Fulton and Hamilton.	Gloversville.
	John J. Ellis	Genesee	Darien Center.
	Sylvester B. Sage	Greene	Catskill.
	E. La Grange Smith.....	Herkimer	Frankfort.
1....	Walter Zimmerman	Jefferson	Brownville.
2....	Cornelius J. Clark	Jefferson	Carthage.

LIST OF OFFICERS.

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MEMBERS OF ASSEMBLY — (Continued).

District.	NAME.	County.	Address.
1.....	Henry S. Griggs.....	Kings.....	Brooklyn.
2.....	John McKeown.....	Kings.....	Brooklyn.
3.....	Thomas H. Cullen.....	Kings.....	Brooklyn.
4.....	David F. Davis.....	Kings.....	Brooklyn.
5.....	Abram C. DeGraw.....	Kings.....	Brooklyn.
6.....	Wm. R. McGuire.....	Kings.....	Brooklyn.
7.....	Francis P. Gallagher.....	Kings.....	Coney Island.
8.....	Thomas J. Farrell.....	Kings.....	Brooklyn.
9.....	John J. Cain.....	Kings.....	Brooklyn.
10.....	Samuel M. Hubbard.....	Kings.....	Brooklyn.
11.....	Joseph A. Guider.....	Kings.....	Brooklyn.
12.....	Charles C. Schoeneck.....	Kings.....	Brooklyn.
13.....	Bartley J. Wright.....	Kings.....	Brooklyn.
14.....	August F. Schmid.....	Kings.....	Brooklyn.
15.....	Harry H. Dale.....	Kings.....	Brooklyn.
16.....	Edward C. Brennan.....	Kings.....	Brooklyn.
17.....	Henry Marshall.....	Kings.....	Brooklyn.
18.....	George Tiffany.....	Kings.....	Brooklyn.
19.....	Frederick Schmid.....	Kings.....	Brooklyn.
20.....	Otto Wicke.....	Kings.....	Brooklyn.
21.....	John E. Reisert.....	Kings.....	Brooklyn.
	Addison L. Clark.....	Lewis.....	Copenhagen.
	Otto Kelsey.....	Livingston.....	Geneseo.
	Robert J. Fish.....	Madison.....	Oneida.
1.....	James B. Perkins.....	Monroe.....	Rochester.
2.....	James M. E. O'Grady.....	Monroe.....	Rochester.
3.....	William W. Armstrong.....	Monroe.....	Rochester.
4.....	Jacob S. Haight.....	Monroe.....	Lincoln Park.
	Richard Murphy.....	Montgomery.....	Amsterdam.
1.....	Daniel E. Finn.....	New York.....	New York.
2.....	James Oliver.....	New York.....	New York.
3.....	Dominick F. Mullaney.....	New York.....	New York.
4.....	Patrick H. Roche.....	New York.....	New York.
5.....	William Astor Chanler.....	New York.....	New York.
6.....	Timothy P. Sullivan.....	New York.....	New York.
7.....	John F. Maher.....	New York.....	New York.
8.....	Charles S. Adler.....	New York.....	New York.
9.....	N. Taylor Phillips.....	New York.....	New York.
10.....	Julius Harburger.....	New York.....	New York.
11.....	John J. O'Connor.....	New York.....	New York.
12.....	Joseph Schulum.....	New York.....	New York.
13.....	Patrick F. Trainor.....	New York.....	New York.
14.....	Jacob Fritz.....	New York.....	New York.
15.....	Thomas Smith.....	New York.....	New York.
16.....	Benjamin Hoffman.....	New York.....	New York.
17.....	John F. Brennan.....	New York.....	New York.
18.....	Charles P. Dillon.....	New York.....	New York.
19.....	Solomon C. Weill.....	New York.....	New York.
20.....	Cornelius F. Collins.....	New York.....	New York.
21.....	Thomas J. Murray.....	New York.....	New York.
22.....	Henry Hackenmeister.....	New York.....	New York.
23.....	Mark J. Lowenthal.....	New York.....	New York.
24.....	John B. Fitzgerald.....	New York.....	New York.
25.....	John A. Weekes, Jr.....	New York.....	New York.
26.....	Chas. S. Sinsheimer.....	New York.....	New York.
27.....	Francis E. Laimbeer.....	New York.....	New York.
28.....	Joseph I. Green.....	New York.....	New York.
29.....	Alfred F. Seligsberg.....	New York.....	New York.
30.....	George W. Meyer, Jr.....	New York.....	New York.
31.....	Albert E. Crabtree.....	New York.....	New York.
32.....	Thomas F. Donnelly.....	New York.....	New York.
33.....	John J. Egan.....	New York.....	New York.
34.....	Lyman W. Redington.....	New York.....	New York.
35.....	Richard H. Mitchell.....	New York.....	New York.

MEMBERS OF ASSEMBLY — (Concluded).

District.	NAME.	County.	Address.
1.....	Dow Vroman	Niagara	N'th Tonawanda.
2.....	Henry S. Tompkins	Niagara	La Salle.
1.....	John Williams	Oneida	Utica.
2.....	Louis M. Martin	Oneida	Clinton.
3.....	John E. Mason	Oneida	Rome.
1.....	William G. Cottle	Onondaga	Hart Lot.
2.....	Edward G. Ten Eyck	Onondaga	Fabius.
3.....	Joseph Bondy	Onondaga	Syracuse.
4.....	John T. Delaney	Onondaga	Syracuse.
	Robert B. Simmons	Ontario	Allen's Hill.
1.....	Louis F. Goodsell	Orange	Highland Falls.
2.....	Daniel P. Shultz	Orange	Tri States.
	Dennis W. Everts	Orleans	Manning.
1.....	Lewis P. Taylor	Oswego	Oswego Centre.
2.....	Thomas M. Costello	Oswego	Altmar.
	Leland M. Cowles	Otsego	Unadilla.
	Emerson W. Addis	Putnam	Brewster.
1.....	George L. Glaser	Queens	Newtown.
2.....	Cyrus B. Gale	Queens	Jamaica.
3.....	George Wallace	Queens	Freeport.
1.....	Benjamin O. Brewster	Rensselaer	Troy.
2.....	William Hutton, Jr.	Rensselaer	Troy.
3.....	Michael Russell	Rensselaer	Troy.
	Chas J. Kullman	Richmond	Stapleton.
	Irving Brown	Rockland	Haverstraw.
1.....	Ira C. Miles	St. Lawrence	Edwards.
2.....	Martin V. B. Ives	St. Lawrence	Potsdam.
	George W. Kavanaugh	Saratoga	Cohoes.
	John C. Myers	Schenectady	Schenectady.
	George M. Palmer	Schoharie	Cobleskill.
	Charles A. Sloan	Schuyler	Montour Falls.
	Wm. V. Van Rensselaer	Seneca	Seneca Falls.
1.....	Edward D. Cross	Steuben	Pulteney.
2.....	Hyatt C. Hatch	Steuben	Atlanta.
1.....	Erastus F. Post	Suffolk	Quogue.
2.....	Carl S. Burr, Jr.	Suffolk	Commack.
	George McLaughlin	Sullivan	Monticello.
	Daniel P. Witter	Tioga	Richford.
	Theron Johnson	Tompkins	Dryden.
1.....	Jacob H. Tremper	Ulster	Kingston.
2.....	Charles J. Ackert	Ulster	New Paltz.
	Taylor J. Eldridge	Warren	North Creek.
	Charles R. Paris	Washington	Sandy Hill.
	Marvin I. Greenwood	Wayne	Newark.
1.....	Jared Sandford	Westchester	Mt. Vernon.
2.....	Wm. J. Graney	Westchester	Dobbs Ferry.
3.....	John Giblin	Westchester	Sing Sing.
	Daniel B. Whipple	Wyoming	North Java.
	Miles W. Raplee	Yates	Dundee.

Speaker of the Assembly.

HON. JAMES M. E. O'GRADY Rochester, N. Y.

Clerk of the Assembly.

ARCHIE E. BAXTER Elmira, N. Y.

LAWS
OF THE
STATE OF NEW YORK.

VOLUME II.

PASSED AT THE ONE HUNDRED AND TWENTY-FIRST REGULAR SESSION OF THE
LEGISLATURE, BEGUN THE FIFTH DAY OF JANUARY, 1898, AND ENDED THE
THIRTY-FIRST DAY OF MARCH, 1898, AT THE CITY OF ALBANY.

Chap. 288.

AN ACT to make the office of sheriff of Chenango county a
salaried office and to regulate the management thereof.

Became a law April 19, 1898, with the approval of the Governor.

Passed, three-fifths being present.

*The People of the State of New York, represented in Senate and
Assembly, do enact as follows:*

Section 1. The sheriff of the county of Chenango next elected
or appointed and thereafter to be elected or appointed shall re-
ceive as compensation for all his services which are now a county
charge upon the said county of Chenango, an annual salary of
two thousand five hundred dollars; he shall also be entitled to
receive and retain to his own use his fees and perquisites in all
civil cases in which the same are to be paid by private persons or
corporations other than the county of Chenango; he shall also be
entitled to be reimbursed for his actual and necessary traveling
expenses in the performance of his duties in criminal actions and
proceedings, beyond the limits of the county, and for conveying
prisoners and juvenile delinquents to their place of commitment,
in all cases where the fees and expenses are by law a county charge.
The salary above provided shall not be increased or diminished
during his term of office, and from it he shall pay all such assist-
ants including the salaries of the under-sheriff and the deputy
hereinafter provided for, as shall be necessary to enable him

Annual
salary of
sheriff.

Fees and
expenses.

To pay
salaries of
assistants.

Services
without fee
or rewards.

Under
sheriff and
deputy.

Entitled to
use of resi-
dence.

Sheriff's
under-
taking.

properly to exercise and perform the duties of his office, and in consideration of which he shall do and perform all duties now or which may hereafter be imposed upon him by law, and including the serving of subpoenas issued by the district attorney; his duties as officer of the courts and in summoning jurors for the courts held in said county, and in the performance of all other services which have heretofore been performed by the sheriff of said county, or his deputies, which are a county charge, without fee or reward from the county of Chenango, except as above provided, although the statute or law imposing such duty may provide that a fee or other compensation be paid therefor. There shall be one under-sheriff and one deputy sheriff who shall be appointed by the sheriff and serve during his pleasure and either of whom may act as turnkey. The sheriff shall be responsible for their official acts and may require bonds, subject to his approval, from under-sheriff and deputy for the faithful performance of their respective duties; and the salaries which they shall receive from the sheriff shall be in full compensation for all their services to said county of Chenango; and they shall be entitled, respectively, to be reimbursed by said county, for their actual and necessary traveling expenses in the performance of their respective duties in criminal actions and proceedings beyond the limits of the county in all cases where the fees and expenses are, by law, a county charge. It shall be the duty of one of said officers, who shall be designated by the sheriff to attend all terms of court, held in said county, as one of the officers of said court, and perform such duties as may be required of him by law, or by the court, or by the sheriff. The sheriff, and with the consent of the sheriff, his under-sheriff or deputy sheriff, shall also be entitled to use and occupy the residence, with heat and light for the same, now used and occupied by the sheriff of said county, or which may hereafter be erected for such purpose, without charge or expense.

§ 2. The sheriff, before entering upon the duties of his office, shall execute to the county of Chenango and file with the treasurer of said county, an undertaking to said county, in addition to any other now required by law, in the sum of two thousand dollars, with sufficient sureties to be approved by the county judge of Chenango county, to the effect that he will faithfully perform the duties devolving upon him, and pay over to the said treasurer as herein provided all moneys which shall come into his hands payable to said treasurer.

§ 3. Nothing in this act shall be construed to prevent the sheriff from appointing as many special deputies as he may choose to appoint, but the expenses, fees or other compensation of such special deputies shall not be a county charge in any case, except the fees for attendance upon court when duly summoned. Special deputies.

§ 4. At each term of court held in said county, where a grand jury only shall be in attendance, the sheriff shall summon not more than four constables or special deputies to attend as such court officers; and when a petit jury only shall be in attendance, the sheriff shall summon not more than five constables or special deputies to attend as court officers and when both petit and grand juries are to be in attendance, the sheriff shall summon not more than seven constables or special deputies to attend as court officers; and except as herein provided no other court officers shall be summoned or appointed except by the order of the judge holding the court. Court officers.

§ 5. The jail of the county shall be kept by the sheriff of the county as now required by law. All books, records, furniture, implements, tools, materials and supplies of whatever nature necessary for the custody and maintenance of the prisoners and persons detained within the jail and for the board of the sheriff and his family, together with the maintenance of one horse, shall be provided by the said sheriff under the supervision and control of the board of supervisors and his actual and necessary disbursements in providing for the same shall be a county charge, and shall be paid by the county as follows: The sheriff shall keep a correct and itemized account of said disbursements in a book or books provided for that purpose at the expense of the county, and each item of such account shall specify the date on which it was incurred, to whom paid, the place where paid, and for what or the purpose for which it was paid. The sheriff shall obtain a voucher for each item incurred by him, so far as practicable, and if any such item exceed the sum of five dollars it shall be duly verified as to its correctness and the payment thereof by the affidavit of the person furnishing the same. The expenditures for food of said prisoners and for the preparing of the same for use, shall be kept in a separate place in said book or books, and separately stated in his annual report; at the end of each third month or within five days thereafter the said sheriff shall present a written verified statement of all the items of his said expenses for such preceding quarter to either the chairman or Jail and supplies. Accounts and vouchers. Expenditures for food. Quarterly expense account.

a committee of the board of supervisors, as the board of supervisors shall by annual resolution direct, who shall thereupon and within five days thereafter examine such statement and attach a certificate thereto certifying as to the correctness of said statement, and what amount thereof is correct and shall thereupon deliver said statement with said certificate attached to the said sheriff who may then present the same to the treasurer of the county of Chenango whose duty it shall be forthwith to advance to said sheriff the amount certified to as correct; and the foregoing accounts together with any portion of the original quarterly accounts of said sheriff as have not been allowed, shall be submitted to the board of supervisors for its audit and payment in the same manner as all other county charges are audited and paid; and the said sheriff shall accompany each quarterly expense account with a verified statement giving the names of all persons confined in jail during the time covered by said account, designating the date and period of such confinement and the number of days each one of said prisoners was confined during the said period, by whom committed and for what offense. An itemized account together with the vouchers therefor for all the expenses and disbursements which the under-sheriff or deputy sheriff is authorized under this act to incur shall be presented to the board of supervisors of said county at its annual meeting and the same shall be allowed as other county charges.

Audit and
payment of
accounts.

Statement
of confine-
ments in
jail.

Account
of expenses
of under
sheriff and
deputy.

Quarterly
payment
of salary.

Inventory
of prop-
erty.

§ 6. The salary of the sheriff shall be payable quarterly by the county treasurer of said county, and it shall be the duty of the board of supervisors to provide said treasurer with adequate funds to meet the requirements of this act.

§ 7. The present sheriff and his successors in office shall file annually with the board of supervisors a correct inventory of all property owned by the county in the jail and official residence. And such sheriff and each of his successors in office at the expiration of his term shall cause to be executed in duplicate an inventory of all property mentioned in section "five" of this act which he shall have bought or furnished for the county during his term of office, except for maintenance. One copy of said inventory shall be filed by him with the succeeding sheriff and the other copy in the office of the clerk of Chenango county.

Repeal.

§ 8. All acts and parts of acts inconsistent with this act are hereby repealed, so far as the same relates to Chenango county, and said county is excepted from their provisions.

Chap. 289.

AN ACT to amend the tax law, in relation to the transfer tax assistant district attorney.

Became a law April 19, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section two hundred and thirty-three and section two hundred and thirty-seven of chapter nine hundred and eight of the laws of eighteen hundred and ninety-six, entitled "An act in relation to taxation," constituting chapter twenty-four of the general laws, are hereby amended so as to read as follows:

§ 233. Surrogates' and district attorneys' assistants in New York city and Erie county. The comptroller of the city and county of New York shall retain, out of any funds he may have in his hands on account of said tax, a sum of money sufficient to provide the surrogates in the city and county of New York with an assistant, appointed by said surrogates, who shall be known as the transfer tax assistant, whose salary shall be four thousand dollars a year; a transfer tax clerk, whose salary shall be two thousand four hundred dollars a year; an assistant clerk, whose salary shall be one thousand eight hundred dollars a year, and a recording clerk whose salary shall be one thousand three hundred dollars a year, said salaries to be paid monthly; and a further sum of money, not exceeding five hundred dollars a year, to be used to pay the expenses of the said surrogates necessarily incurred in the assessment and collection of said tax, said amounts to be paid upon the certificates and requisitions of said surrogates, respectively. The comptroller of the city and county of New York shall also retain, out of any funds he may have in his hands on account of said tax, a sum of money sufficient to provide the district attorney in the city and county of New York with an assistant, appointed by said district attorney, who shall be known as the transfer tax assistant, whose salary shall be three thousand dollars a year; a transfer tax clerk, whose salary shall be two thousand and four hundred dollars a year, and a surrogate's process server, whose salary shall be one thousand two hundred dollars a year, said salary to be payable monthly; and a further sum of money not exceeding five hundred dollars a year to be used to pay the expenses of the said district attorney, for the conduct and prosecution of the proceedings mentioned

in section two hundred and thirty-five of this chapter, said amounts to be paid upon the certificate and requisition of said district attorney. The county treasurer of the county of Erie shall also retain out of any funds he may have in his hands on account of said tax, a sum of money sufficient to provide the district attorney in the county of Erie with an assistant, appointed by the said district attorney, who shall be known as the transfer tax assistant, whose salary shall be twenty-five hundred dollars a year, said salary to be paid monthly.

§ 237. Fees of county treasurer and comptroller The treasurer of each county and the comptroller of the city and county of New York, shall be allowed to retain on all taxes paid and accounted for by him each year under this article, five per centum on the first fifty thousand dollars, three per centum on the next fifty thousand dollars and one per centum on all additional sums. Such fees shall be in addition to the salaries and fees now allowed by law to such officers, except that in the county of Monroe such per centum shall be credited to and belong to the county where collected.

§ 3. This act shall take effect immediately.

Chap. 290.

AN ACT to authorize the commissioners of the land office to make a grant of land under water to the village of Dobbs Ferry, in the county of Westchester, for the purpose of constructing a dock.

Became a law April 19, 1898, with the approval of the Governor.

Passed by a two-thirds vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Authority
to make
grant of
land.

Section 1. Upon satisfactory proof being made to the commissioners of the land office that it will in no way unfavorably affect the navigation on the Hudson river, and that it will not be detrimental to the public interest, the said commissioners of the land office are hereby authorized to make a grant to the village of Dobbs Ferry of lands under the water of the Hudson river westerly of the lands and lands under water of the New York Central and Hudson River Railroad Company, and in front of the westerly terminus of Palisade street in the village of Dobbs Ferry, in the county of Westchester, for such consideration as said commissioners may deem just, for the purpose of constructing a dock for the benefit of the inhabitants of said village and for public

use therein. The said land so authorized to be granted to the said village is bounded and described as follows: All those certain lands under the waters of the Hudson river and between high and low water marks of the same situate in said village of Dobbs Ferry, in the town of Greenburgh, county of Westchester and state of New York, bounded as follows: Beginning at the point of intersection of the southerly boundary line of the lands under water conveyed by the people of the state of New York to D. O. Bradley by letters patent, dated the thirteenth day of May, eighteen hundred and seventy-three, with the westerly boundary line of the lands under water conveyed by the people of the state of New York to the New York Central and Hudson River Railroad Company by letters patent, dated the twenty-sixth day of December, eighteen hundred and seventy-three, and running thence along said southerly line and said southerly line produced westerly, north seventy degrees west, four hundred seventy-one feet to a point; thence south twenty degrees west, parallel to the first described course and distant fifty feet southerly therefrom, four hundred seventy-eight feet, more or less, to the said westerly boundary line; thence northerly along the said westerly boundary line fifty feet to the place of beginning. No animal or vegetable matter shall be deposited on said land, and the grant shall contain a condition to that effect. And the said grant, when so made, shall be as full and effective to the said village as though said village was at the time of the making of said grant the owner in fee of the upland, so long as said Palisade street shall be kept open as a public highway leading to said dock, and so long as the said dock shall be maintained for public uses.

Descrip-
tion of
land.

Condi-
tions and
effect of
grant.

§ 2. This act shall take effect immediately.

Chap. 291.

AN ACT to provide for the appointment of a stenographer to the city court of Albany.

Accepted by the city.

Became a law April 19, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The justices of the city court of Albany shall appoint and may at pleasure remove a stenographer to be attached

Appoint-
ment of
stenog-
rapher.

to said court who shall be the official stenographer of said court and who shall attend at all sessions of the court and take full stenographic notes of the testimony and all other proceedings in each case tried or heard by said court, unless the justice presiding at such trial or hearing shall dispense with the services of such stenographer with respect to all or a portion of the proceedings therein. The court or a justice thereof may, in its or his discretion, make an order directing the stenographer to file with the clerk forthwith or within a specified time, the original stenographic notes taken upon a trial or hearing, whereupon the stenographer must file the same accordingly. Such stenographer shall fully note each rule or decision of the presiding justice and when trial is by jury each and every remark or comment of such justice during the trial, when requested so to do by either party.

Filing of original notes.

Rulings, etc., to be noted.

Original notes, preservation of, etc.

§ 2. The original stenographic notes taken by the stenographer shall be part of the proceedings in the case and unless they are filed pursuant to an order made as prescribed in the last section they must be carefully preserved by the stenographer for one year after the trial or hearing; at the expiration of which time he may destroy the same. If the stenographer dies or his office becomes otherwise vacant before the expiration of that time they must be delivered to his successor in office to be held by him with like effect as if they had been taken by him. They must be written out at length by the stenographer, if a justice of said court so directs or if the stenographer is required so to do by a party to the action or his attorney. Unless such direction is given or such requisition is made the stenographer shall not be required so to write them out.

Writing out of same.

Furnishing of copies.

§ 3. The stenographer specified in this act must furnish to the justice presiding at a trial and to the attorney for each of the parties appearing, with all reasonable diligence a copy written out at length from his stenographic notes of the testimony in the proceedings or any part thereof upon the trial or hearing of any action pending in said court upon the direction of the justice presiding thereat and without charge.

Salary.

§ 4. The salary of said stenographer shall be nine hundred dollars per annum and shall be paid in the same manner as the salary of the justices of said court. The salary of said stenographer for the year eighteen hundred and ninety-eight shall be paid by the chamberlain of the city of Albany out of any moneys not specifically appropriated which may be in his hands.

§ 5. This act shall take effect immediately.

Chap. 292.

AN ACT to amend section thirteen hundred and ten of the code of civil procedure, relating to stay of proceedings pending appeal.

Became a law April 19, 1898, with the approval of the Governor.

Passed, a majority being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section thirteen hundred and ten of the code of civil procedure is hereby amended so as to read as follows: Code amended.

§ 1310. Where an appeal to the general term of any court or to the appellate division of the supreme court or to the court of appeals or otherwise has been heretofore or shall hereafter be perfected, as prescribed in this chapter, and the other acts, if any, required to be done, to stay the execution of the judgment or order appealed from, have been done, the appeal stays all proceedings to enforce the judgment or order appealed from; except that the court or judge, from whose determination the appeal is taken, may proceed in any matter included in the action or special proceeding, and not affected by the judgment or order appealed from or not embraced within the appeal; or may cause perishable property to be sold, pursuant to the judgment or order appealed from. The proceeds of such a sale must be paid, to abide the result of the appeal, into the court from or in which the appeal is taken, or, if it was taken as prescribed in title fifth of this chapter, into the supreme court. When an appeal from a judgment for rent has been perfected and execution stayed as herein provided, the appeal stays all summary proceedings, pending or otherwise, to recover the possession of real property or dispossess tenants therefrom, based on the failure to pay the rent included in the judgment appealed from. In a case, specified in subdivision two of section one hundred and ninety-one, of this act, a party aggrieved, upon presenting to the court proof by affidavit that he intends to apply to the appellate division, rendering such decision, for leave to appeal to the court of appeals, and in case such appellate division shall refuse such leave, then that such party intends to apply to a judge of the court of appeals to be allowed to appeal to said court of appeals, and proof that an undertaking, given as prescribed in this chapter, When appeal stays proceedings.

Exception.

Sale of perishable property.

Stay upon appeal from judgment for rent.

In case specified in § 191 of Code.

has been filed with the clerk with whom the judgment appealed from is entered, shall be entitled to an order staying all proceedings to enforce such judgment, until the granting or refusal of such leave to appeal by such appellate division or a judge of the court of appeals. The party desiring to make such application must do so at the same term or at the term of said appellate division next succeeding that at which judgment of affirmance was rendered and notice of entry thereof served upon the party aggrieved, and in case said appellate division refuses such application, then such party shall have thirty days, from and after service of a copy of the order of said appellate division denying such application, with notice of entry, in which to apply to a judge of the court of appeals, to be allowed to so appeal.

§ 2. This act shall take effect immediately.

Chap. 293.

AN ACT to amend section nineteen hundred and twenty-one of the code of civil procedure, relative to actions by or against an unincorporated association.

Became a law April 19, 1898, with the approval of the Governor.

Passed, a majority being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Actions by
or against
unincor-
porated
associa-
tions.

Section 1. Section nineteen hundred and twenty-one of the code of civil procedure is hereby amended so as to read as follows:

Effect of
judgment.

§ 1921. In such an action, the officer against whom it is brought cannot be arrested; and a judgment against him does not authorize an execution to be issued against his property, or his person; nor does the docketing thereof bind his real property, or chattels real. Where such a judgment is for a sum of money, an execution issued thereupon must require the sheriff to satisfy the same, out of any personal or real property belonging to the association, or owned, jointly or in common, by all the members thereof.

Execution
thereupon.

§ 2. This act shall take effect October first, eighteen hundred and ninety-eight.

Chap. 294.

AN ACT to amend section twenty-three hundred and twenty-six of the code of civil procedure, relative to the appointment of a foreign committee of the person and property of a lunatic, idiot or habitual drunkard.

Became a law April 19, 1898, with the approval of the Governor.

Passed, a majority being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section twenty-three hundred and twenty-six of the code of civil procedure is hereby amended so as to read as follows: Code amended.

§ 2326. Where the person alleged to be incompetent resides without the state, and a committee, curator or guardian of his property, by whatever name such officer may be designated, has been duly appointed pursuant to the laws of any other state, territory or country where he resides, the court may, in its discretion, make an order appointing the foreign committee, curator or guardian, the committee of all or of a particular portion of the property of the incompetent person, within the state, on his giving such security for the discharge of his trust as the court thinks proper. Foreign committee, when may be appointed.

§ 2. This act shall take effect September first, eighteen hundred and ninety-eight. When takes effect.

Chap. 295.

AN ACT to authorize the abandonment of the Main and Hamburg street canal, in the city of Buffalo, the abatement of the nuisance created thereby, and vesting the title and ownership to the lands and premises included therein in said city.

Accepted by the city.

Became a law April 19, 1898, with the approval of the Governor.

Passed by a two-thirds vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The canal known as the Main and Hamburg street canal situated in the city of Buffalo and which extends easterly Abandonment of canal.

Title of
state
vested in
city.

from the westerly line of Main street to the westerly line of Hamburg street, shall immediately after the passage of this act cease to be a public canal or waterway, within this state, and the ownership, right, title and interest of the state of New York to the lands and premises included therein and connected therewith, shall vest absolutely in the city of Buffalo, its successors or assigns for and in consideration of the sum of one hundred dollars to be paid by the city of Buffalo to the state treasurer within thirty days after the passage of this act.

Agreement
of city.

§ 2. In consideration of the grant hereinbefore specified, the city of Buffalo in the acceptance thereof, undertakes and agrees to abate all nuisance now existing in the Main and Hamburg street canal, and to fill the prism of said canal with solid material, and to save and hold the state of New York harmless from all loss or damage which it may sustain by reason of claims, demands or actions at law arising out of the abandonment by the state of said Main and Hamburg street canal, or from the creation, continuance or abatement of the nuisance connected therewith.

§ 3. This act shall take effect immediately.

Chap. 296.

AN ACT to enable the city of Albany to pay sundry debts.

Accepted by the city.

Became a law April 19, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Payment
of bills for
street
cleaning
and repairs
authorized

Section 1. The chamberlain of the city of Albany is hereby authorized to pay out of any moneys in his hands, not especially appropriated to any other purpose or purposes, such bills and accounts for street cleaning and repairing of and repairs to the streets of the city of Albany under the direction of the street commissioner of the city of Albany, New York, rendered to the city, subsequent to the first day of January, eighteen hundred and ninety-seven, and prior to the first day of January, eighteen hundred and ninety-eight, and to pay which there was during that period not sufficient funds in the chamberlain's hands, as shall be

audited and certified as required by the charter of the city of Albany, not exceeding, however, in the aggregate the sum of eleven thousand seven hundred and ninety-one dollars and twenty-seven cents.

§ 2. This act shall take effect immediately.

Chap. 297.

AN ACT to amend chapter three hundred and sixty of the laws of eighteen hundred and ninety-seven, entitled "An act to incorporate the city of Geneva."

Accepted by the city.

Became a law April 19, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one hundred and forty-one of chapter three hundred and sixty of the laws of eighteen hundred and ninety-seven, entitled "An act to incorporate the city of Geneva," passed April twenty-third, eighteen hundred and ninety-seven, is hereby amended so as to read as follows: City charter amended.

§ 141. Whenever the common council shall resolve by the affirmative vote of two-thirds of its members that an extraordinary expenditure ought, for the benefit of the city, to be made for any specific purpose set forth in the resolution, it shall make an estimate of the sum necessary therefor and for all such purposes, if there be more than one, and publish such resolution and estimate for at least three weeks in one or more newspapers printed in the city, together with a notice that at a time and place therein specified a special election of the taxpayers of the city will be held to decide whether the amount of such expenditure shall be raised by tax. The common council shall appoint Estimates of extraordinary expenditures. Notice of special election. four inspectors of such election and shall fill all vacancies occurring among them. All provisions of law prescribing the duties of inspectors of election and their powers and with reference to preserving order at elections and false swearing and fraudulent voting thereat shall, so far as applicable, apply to the special elections held hereunder. Every taxpayer, male or female, who shall have been assessed and taxed upon the last assessment-roll of the city before such special election, and no other person, Inspectors. Qualifications of voters.

Conduct of
election.

shall be entitled to vote at such election. The election shall be by ballot, and each ballot shall contain a brief statement of each purpose for which such expenditure is required and the amount thereof, and be in the form required by the election law for voting upon questions submitted. The inspectors shall, at the time and place designated as aforesaid, sit without intermission from nine o'clock in the morning until nine o'clock in the evening, to receive the ballots cast at such special election, and shall deposit the same in a suitable ballot-box to be provided by the city. If the right to vote of any person offering to vote at such special election be challenged by any other person entitled to vote thereat, an inspector of the election shall administer to him the following oath: "You do swear that you are a taxpayer of the city of Geneva, and that you have not voted at this election?" After he shall take such oath, and if he shall be assessed upon the assessment-roll aforesaid, his vote shall be

Certificate
of result.

received. The inspectors shall canvass the votes received immediately after closing the polls, and immediately make a certificate, signed by them or two of them, stating the whole number of ballots voted at such election, the whole number for each special tax, and the whole number against each special tax, and deliver the same forthwith to the city clerk. The city clerk shall deliver the same to the common council at its next meeting, and it shall cause the result of the said election thus certified to be

Special tax
upon
favorable
vote.

entered in its minutes, and if the whole number of votes received at such election for any such special tax exceeds the whole number of votes against the same, the common council shall, except as hereinafter otherwise provided, cause the sum or sums of money thus voted to be assessed, levied and raised with and in addition to other taxes in and upon the next assessment-roll. But the sum or sums of money so voted to be assessed shall not with the other taxes above mentioned, exceed the limit of one per centum upon the assessed valuation of the real and personal property of the city, except for the purposes hereinbefore provided, to wit: the amount of taxes certified to the city by the board of supervisors to be assessed upon said city, and the amount of taxes necessary to be raised by the city for principal and interest on the bonds heretofore issued by the town of Seneca to aid in the construction of the Geneva and Ithaca railroad and also the special assessments on property benefited by street improvements as set forth in title thirteen of this act. No more

than one such election in the city shall be held in any one year, except by the unanimous vote of the common council. After such special tax or taxes shall have been authorized as herein provided, the common council may proceed to authorize the expenditure of the amount thereof for the purpose or purposes specified in its published statement aforesaid and sanctioned by such election. The common council may borrow, if necessary, the amount so voted in anticipation of the collection of said tax, and the amount so raised or borrowed shall be expended only for the purpose or purposes for which the special tax was voted, and shall be repaid within one year from the proceeds of the tax, or at the option of the common council, not less than two-thirds of the entire council voting in the affirmative, the city may issue its bonds for the whole or any part of the sum or sums voted at said special election. Said bonds to be paid in yearly installments during a term of years not to exceed ten, with interest at a rate not to exceed six per centum, per annum, payable yearly or half yearly, as the council may determine. The annual installment of principal and interest on said bonds, falling due each year, shall be part of the one per centum maximum city taxes as provided in paragraph five of section one hundred and eleven of this act. The common council shall, prior to the publication of the resolution and estimate, as provided in this section, determine whether the money to be raised shall be included in the next annual tax levy, or whether bonds as hereinbefore provided shall be issued therefor, and if the latter then the number of years said bonds shall run, and it shall publish such determination as a part of the notice of the special election, and said determination shall not be changed by the common council after said special election is had. Any bonds issued hereunder shall be designated as "special appropriation bonds," shall be signed by the mayor and treasurer, and shall be sold by the treasurer under the direction, and with the approval of the common council at public or private sale for the highest attainable price, for not less than par, and the avails of said bonds shall be kept by the treasurer in a separate fund, and be applied only to the payment of the object or objects, stated in the published notice of the special election, and shall be paid out only upon warrants drawn on the treasurer by the commissioners hereinafter provided for, for expenditures hereunder, audited by the board of audit and

Expenditures of taxes.

May borrow money in anticipation of tax.

Issue of bonds.

Council to determine whether bonds be issued or tax raised.

Execution and sale of lands.

Proceeds of sale.

Unexpended
balances to
apply on
payment
of bonds,
etc.

Deposit of
moneys by
treasurer.

Commissioners to
buy or
build
plants, etc.

approved by the common council. If it shall at any time appear that the object or objects for which said bonds were issued is accomplished, and that there is an unexpended balance in the hands of the treasurer to the credit of the aforesaid fund, not required for the specific purpose for which said money was raised, said balance shall not be used for any other purpose, except to apply on the principal or interest of said bonds as they fall due. All moneys received by the city treasurer from this, or any other source, shall as soon as may be, and not later than twenty-four hours after its receipt, be deposited by said treasurer in one or more national banks within the city, to be selected by him, to be drawn out only for payments made in accordance with the provisions of this act. All municipal plants, buildings, or other undertakings, whether for electric lighting or otherwise, sanctioned by the taxpayers under and by virtue of this section, shall be bought, or built and operated by three commissioners, who shall be freeholders within the city, to serve without pay for one, two and three years respectively. The mayor shall appoint the said commissioners, anything in this act to the contrary notwithstanding. The term of each commissioner so appointed shall expire one, two and three years respectively from the date of his appointment, and the mayor shall as each term expires appoint one commissioner for a term of three years.

§ 2. This act shall take effect immediately.

Chap. 298.

AN ACT to amend chapter three hundred and eighty-two of the laws of eighteen hundred and fifty-seven, entitled "An act in relation to schools and academies in the village of Ogdensburgh."

Accepted by the city.

Became a law April 19, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

School act
amended.

Section 1. Section seventeen of chapter three hundred and eighty-two of the laws of eighteen hundred and fifty-seven, entitled "An act in relation to schools and academies in the village of Ogdensburgh," as amended by chapter two hundred and

forty-nine of the laws of eighteen hundred and sixty-eight and chapter three hundred and sixty-three of the laws of eighteen hundred and sixty-nine and chapter one hundred and eighty-six of the laws of eighteen hundred and seventy-one and chapter three hundred and eighty-one of the laws of eighteen hundred and ninety-three, is hereby amended so as to read as follows:

§ 17. On or before the first day of May next, and on or before the first day of May in each year thereafter, the board of education shall determine and certify to the common council of the city of Ogdensburg, the amount of money over and above all other funds in hand, applicable to that purpose, required for teachers' wages for the year commencing on the first day of April, and said board of education shall, at the same time, determine and certify to the said common council what sum of money, exclusive of any applicable to such purposes, is necessary and requisite to defray for the year the expenses for fuel, books for indigent scholars, school furniture and apparatus, insurance, leasing additional schoolrooms, repairing houses, outhouses, fences and other expenses ordinarily incident to the maintenance of such schools; and the said common council shall cause to be assessed the several sums of money, so certified on the taxable property and corporations within the district hereby organized, and collect the same along with the first city tax thereafter collected, which sums shall be placed with the city treasurer to the credit of the board of education, the first sum to the teachers' fund and the other sum to the general fund; provided, however, in no case shall the assessment for these purposes in any one year exceed fifty cents on the one hundred dollars on the property valuation of the said assessment-rolls liable for said tax. In addition to the sum heretofore authorized to be raised, the said board of education shall at the time certify to the common council of the city of Ogdensburg the sum which they shall deem necessary to be raised to pay the salary of the superintendent of schools in said city, not to exceed one thousand five hundred dollars, and the said common council shall cause the sum to be collected in the same manner as other moneys for the support of schools in said city, and place the same to the credit of the board of education in the general fund. Whenever the aforementioned assessments are valid, if for any reason the collector is unable to collect the full amount of his warrant, the common

Annual estimate of sums required for school purposes.

Assessment of amount.

Certification of salary for school superintendent.

Collection of amount.

Deficiencies in funds.

council shall supply any deficiency to these two funds, provided for by this section, out of any moneys which may come into the city treasury, and shall deposit the same as above.

§ 2. This act shall take effect immediately.

Chap. 299.

AN ACT to amend chapter three hundred and thirty-five of the laws of eighteen hundred and sixty-eight, entitled "An act to incorporate the city of Ogdensburgh," and the acts amending the same.

Accepted by the city.

Became a law April 19, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

City
charter
amended.

Section 1. Section thirty-one, title five of chapter three hundred and thirty-five of the laws of eighteen hundred and sixty-eight, as amended by chapter eighty-seven of the laws of eighteen hundred and ninety-three, is hereby amended to read as follows: The common council may cause to be raised by taxation upon the taxable property in the city, a sum not exceeding eight thousand five hundred dollars, in each year, for the general fund, and further sums for the general fund, and for the highway fund, and for special purposes upon the adoption of propositions therefor submitted to be voted upon at special elections, as provided in this chapter.

Annual
city tax.

§ 2. Title ten of said chapter three hundred and thirty-five of the laws of eighteen hundred and sixty-eight, as amended by chapter eighty-seven of the laws of eighteen hundred and ninety-three, being section sixty-six to and including section seventy-nine, are hereby amended to read as follows:

Recorder,
his powers
and juris-
diction.

§ 66. The recorder, within the territorial limits of the city of Ogdensburg shall have the power and jurisdiction in criminal cases to try and determine all crimes of the grade of misdemeanors committed within the limits of said city, except breaches of the excise law, and to impose therein, upon conviction, the punishment provided by the penal code or the general statutes, the same as such punishment could be inflicted by a court of record after trial by indictment, and except as in this act pro-

vided, shall have exclusive jurisdiction of the same where said crime is committed within the territorial limits of said city, and shall have jurisdiction exclusive of justices of the peace in all criminal and civil cases, suits, action and proceedings for the violation of, or arising under the city charter, the acts amending the same, or other acts conferring rights, privileges or powers upon the said city, or acts relating thereto and the ordinances made thereunder; and his judgments and decisions may be reviewed in the same manner as judgments and decisions of justices of the peace for towns; and any warrant issued by said recorder may be served in any part of this state without endorsement by any other magistrate or officer. The town clerk of the town of Oswegatchie shall, within ten days after this act shall take effect, deliver to said recorder a certified copy of the list mentioned in section twenty-nine hundred and ninety of the code of civil procedure, and shall thereafter, within the time specified in said section, deliver to said recorder certified copies of the lists therein directed to be delivered to justices of the peace, under the like penalty or forfeiture, as therein provided, for neglect to deliver such copies to justices of the peace. Said town clerk shall be entitled to the same fees for said certified copies delivered to the recorder, as provided in section twenty-nine hundred and ninety, for delivering the same to justices of the peace. All provisions of law regulating the practice before justices of the peace in the town of Oswegatchie and in their courts in reference to criminal cases, shall apply to the recorder and his court while exercising the power and jurisdiction conferred by this section, so far as the same are applicable thereto and not contradictory thereof.

Delivery of
copy of
jury list to
recorder.

Practice in
recorder's
court.

§ 67. Such recorder shall attend in a room in the city of Ogdensburg, to be provided by the common council for that purpose, from nine o'clock to ten o'clock in the forenoon of every day except Sunday, and as much longer as the duties of his office may require, and shall hear all complaints, hold courts of special session and conduct all other criminal business as may be by law done by a justice of the peace, with power to pronounce sentence and inflict punishment for all crimes of the grade of misdemeanors, except breach of the excise law, to the extent provided by the penal code and the general statutes; the intention being to give such recorder, or justice of the peace acting as

Office
hours.

Hearing of
com-
plaints,
etc.

Intention
of act.

recorder, full jurisdiction to pronounce the same sentence on any crime of the grade of misdemeanors as could be pronounced by a court of record, together with such additional power and jurisdiction as are by this act conferred, and for such purpose such recorder is empowered to hear complaints, issue warrants, subpoenas, venires and all other necessary mandates.

Exclusive jurisdiction in criminal cases.

Justice of the peace as acting recorder.

§ 68. Subject to the power of removal provided in chapter one, title six, of the code of criminal procedure, the recorder of the city of Ogdensburg shall have exclusive jurisdiction of all crimes and offenses committed within the territorial limits of said city of the grade of misdemeanors, and no justice of the peace of the town of Oswegatchie shall have jurisdiction in criminal cases wherein the jurisdiction is exclusively conferred upon the recorder by this act, except during a vacancy in the office of recorder, or in case of absence, sickness, disqualification or other disability to attend the duties of his said office, in which case any justice of the peace residing within the territorial limits of said city may hear a complaint, issue a warrant to apprehend any person accused in such cases, the same as the recorder might under the power conferred by this act, if sitting, and such justice shall be entitled to such fees as are allowed by law for similar services, to be paid by the city; such warrant shall be returnable before the recorder, provided, however, that on its return the justice who issued it shall proceed on it in case of a then existing vacancy, or the absence, sickness, disqualification or other disability of the recorder, and while so presiding shall be deemed the acting recorder, with the same powers and jurisdiction as said recorder.

Powers and jurisdiction of acting recorder.

§ 69. Whenever there shall be a vacancy in the office of recorder, or in case of his absence or inability to act, by reason of sickness, interest or any other cause, any justice of the peace of the town of Oswegatchie residing in said city shall have the same jurisdiction and power in criminal proceedings as is conferred upon the recorder, and shall be entitled to the fees prescribed by law for such services, to be paid by the city, and while so acting shall be deemed acting recorder.

Duty of policemen and constable in criminal arrests.

§ 70. It shall be the duty of every policeman and constable arresting any person on a warrant issued by a justice of the peace of the town of Oswegatchie, residing in said city, as acting recorder, as provided by this act, to take such person before the recorder of said city, and the recorder shall proceed thereon as if the person had been arrested upon process issued by him.

§ 71. It shall be the duty of the recorder, whenever requested by the mayor, to issue a subpoena or subpoenas, requiring any person or persons to appear before the recorder to give evidence upon a complaint made of any offense committed in said city; such complaint may be oral or written, made to the recorder, and may be wholly or partially on information and belief, and shall be sufficient to confer jurisdiction on the recorder under this section, if it simply alleges on information and belief that an offense has been committed, stating generally the nature thereof. Upon the return of any such subpoena the recorder shall examine the witness or witnesses on oath in relation to the offense so complained of, and if it shall appear that any such offense has been committed, he shall proceed thereon in the same manner as though such witness had voluntarily made such complaint before him.

Issue of
subpoenas
by re-
corder

Proceed-
ings upon
return.

§ 72. Such recorder shall have no jurisdiction, except as conferred by section sixty-six of this act, to try civil action; and in case of a vacancy in the office of recorder, or his absence, disqualification or other disability, any justice of the peace of the town of Oswegatchie residing within the city of Ogdensburg shall have like jurisdiction to hear and try said civil actions as acting recorder. Every civil action brought in recorder's court for violation of the city charter or acts relating to the same, or any by-laws or ordinances of said city, shall be in the name of the city and be commenced in such manner as is provided by law; such actions may be commenced in the discretion of the recorder or justice of the peace while acting as recorder, as provided by this act, by warrant returnable forthwith, or the affidavit of any person showing cause therefor without security, except where the person arrested for such violation of this charter or any ordinances is arrested by a policeman in whose presence said act was committed; such complaint may be made upon the arraignment of the person so charged, and in such actions it shall be sufficient to complain generally for the amount of such fine, penalty or forfeiture as is claimed, stating the section of this act or the number of the by-law or ordinances under which the fine, penalty or forfeiture is claimed, and under such complaint special matter may be given in evidence, and the defendant may answer by simply denying the complaint and give in evidence thereunder the special matters of his defense; if judgment be given against any defendant in such actions, executions may be issued thereon immediately, and shall require, if the officer to whom it is issued can not find goods or

Jurisdic-
tion in civil
action of
recorder.

Actions fo
violations
of charter.

Issue of
execution
on judg-
ment.

chattels of the defendant whereof the judgment can be collected, that the defendant be imprisoned in close custody in the city lockup for a term therein to be mentioned not exceeding thirty days, or for a like term in the county jail, or such execution may, in the discretion of the recorder require that the defendant be subjected, for a term not exceeding thirty days, to work upon or for the streets, or public works of said city, or otherwise for the corporation, in such place and under such superintendence and restraint as said recorder may deem advisable, and shall be directed in the judgment rendered and in the process issued thereon to enforce the same.

Salary of recorder.

§ 73. The recorder shall not be entitled to receive, for his own use, any fees for services performed by him, but shall receive an annual salary, to be fixed by the common council, not to exceed five hundred dollars, and which shall not be increased or diminished while he holds the office, and shall be audited and paid quarterly in the usual form, by an order drawn on the treasurer.

Docket and journal of charges.

§ 74. The recorder shall keep a docket, in which he shall enter, in regular form, all business done by him; and also a journal in which he shall enter charges, for all fees in all criminal cases not arising under the city charter, its ordinances or acts conferring rights or powers on said city or acts relating thereto, and which are properly a town charge or county charge, with the name of the defendant, the date of the warrant, his arrest and trial and all the details thereof, the fine imposed, if any, and whether paid or not, which book shall always be open for public inspection. The recorder shall make out accounts for all business done before him, which may be a town or county charge against the town of Oswegatchie, or the county of Saint Lawrence in the same manner as bills of justices of the peace in like cases, in which he shall charge the fees allowed by law to justices of the peace for like services, and which shall be duly verified by him, and the same shall be audited and levied as other town and county charges, and paid over to the city treasurer. The docket and journal of the recorder shall belong to the city, and, at the expiration of his term, shall be delivered to the clerk of the city, in whose office it shall remain of record and transcripts therefrom, certified by the clerk under the seal of the city, shall be evidence to the same effect as transcripts of a docket of the justice of the peace, subscribed by him, and verified by the certificate of the county clerk under the seal of the city.

Town or county charges.

Docket and journal to be filed.

Transcripts, evidence.

§ 75. In all cases where the complainant or defendant in any action or proceeding before the recorder, or justice of the peace acting as recorder, as herein provided shall be adjudged to pay the costs, such adjudication may be made against the defendant or complainant after trial, or against the complainant in case such complainant shall fail to appear and prosecute such complaint; the recorder, or justice acting as recorder, shall tax for his services such fees as are allowed by law to justices of the peace of towns, for like services, and all fines imposed by said recorder or justice acting as recorder with said costs shall be collected according to law, and if arising out of matters over which the recorder when present and under no disqualification or disability has exclusive jurisdiction as herein provided such fines shall be paid to the city treasurer, and the fines in all other cases when paid and collected shall be paid to the county treasurer, and such costs in all proceedings before such recorder shall be paid to the city treasurer, and in proceedings before a justice acting as recorder as in this act provided, such justice shall retain the costs so collected for his compensation.

Taxation
of costs.

Fine, col-
lection,
etc., of.

Payment
of costs.

§ 76. Such recorder or justice of the peace acting as recorder as herein provided, shall at the end of each month render an account, on oath, to the common council of the city in writing in which shall be specifically stated the name of each person arrested, if any; the fines imposed, if any; the amount received from each person, if any; the legal fees for a justice of the peace acting as recorder, or constable, in each case; the amount paid to the city and county treasurer during the month since his last report.

Monthly
account of
fines and
fees.

§ 77. The chief of police and policemen within the bounds of the city of Ogdensburg, shall have the same power and be subject to similar duties and liabilities in criminal cases, and in civil cases cognizable by the recorder, as constables are in the town of Oswegatchie, and shall give security in the same manner, to be approved by the mayor and filed with the city clerk.

Powers of
chief of
police and
policemen.

§ 78. It shall be their special duty to arrest any and all persons in the city guilty of any crime or offense against the peace or good order of society or of any act in violation of this charter, or any of the by-laws or ordinances adopted thereunder; and if any arrests be made after the adjournment of the recorder's court for the day, if for an offense exclusively within the recorder's jurisdiction, when present, and, under no disqualification or disability, to take such offender before the recorder, or justice acting as

Duty as to
arrests.

Duty as to
street dis-
turbance.

Watch-
men.

recorder, or safely keep him until morning and then take him before such recorder or justice acting as recorder, to be dealt with according to law. The police shall also be bound to take notice of any unnecessary noise or disturbance in the streets or other places in the city, particularly in the night time, to admonish offenders, and, if persisted in, to arrest and safely keep them and take them before the recorder, or justice of the peace acting as recorder, to answer the offense. The policemen shall act as watchmen in the night, whenever the common council require it.

§ 3. This act shall take effect immediately.

Chap. 300.

AN ACT to amend chapter seven hundred and seventy-six of the laws of eighteen hundred and ninety-six, entitled "An act to amend chapter ninety-two of the laws of eighteen hundred and ninety-five, entitled 'An act to amend chapter three hundred and thirty of the laws of eighteen hundred and eighty-three,' entitled 'An act to supply the city of Schenectady with water,' relative to the Schenectady water loan, and the several acts amendatory thereof."

Accepted by the city.

Became a law April 19, 1898, with the approval of the Governor.

Passed, three-fifths being present

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Water act
amended.

Section 1. Section six of chapter seven hundred and seventy-six of the laws of eighteen hundred and ninety-six, entitled "An act to amend chapter ninety-two of the laws of eighteen hundred and ninety-five, entitled 'An act to amend chapter three hundred and thirty of the laws of eighteen hundred and eighty-three,' entitled 'An act to supply the city of Schenectady with water,' relative to the Schenectady water loan, and the several acts amendatory thereof," is hereby amended to read as follows:

Water,
loan.

§ 6. Upon the approval and adoption of any such plan, or of any such changes or alterations in any plan previously approved and adopted, it shall be the duty of the common council to raise by loan, from time to time, a sum not exceeding in the whole four hundred and ninety-seven thousand dollars by the creation of a public stock to be called the Schenectady water loan,

and for that purpose may issue the bonds of said city in sums of one thousand dollars each, with interest payable semi-annually, at a rate not exceeding five per centum per annum, to be signed by the mayor and treasurer of said city, and to be made payable at such times within twenty years after their respective issues as the said common council shall direct, and the common council shall sell and dispose of such bonds, or any part thereof, at public auction or by sealed proposals, after giving at least three weeks' previous public notice, and shall award the same to the highest bidders, but at not less than par and accrued interest.

§ 2. This act shall take effect immediately.

Chap. 301.

AN ACT authorizing the city of Schenectady to issue bonds to the amount of fifteen thousand dollars, to raise money for school purposes.

Accepted by the city.

Became a law April 19, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The common council of the city of Schenectady is hereby authorized to issue fifteen bonds of said city for the sum of one thousand dollars each, bearing interest at the rate of four per centum per annum, payable semi-annually, three of which bonds shall be made payable at the expiration of each year after the issuing thereof for five consecutive years. Such bonds shall pledge the faith and credit of said city for their payment and shall be signed by the mayor and treasurer of said city.

§ 2. The said bonds shall be sold by the treasurer of said city at not less than par, to the highest bidder, at public auction, or by sealed proposals, as the common council may direct, after at least ten days public notice of such sale shall have been given by the publication thereof in two of the daily papers published in said city.

§ 3. The moneys obtained by the sale of such bonds shall be paid over by the treasurer of said city to the board of education of said city, and shall be used by said board solely for the purpose of paying for land and the erection of an addition to the present

school building on Albany street in said city, and furnishing the same, and for repaying moneys advanced from other funds for such purpose.

Payment
of prin-
cipal and
interest.

§ 4. Such bonds shall be a charge upon the real and personal estate of said city, and the principal and interest thereof shall be collected and paid in like manner as other debts and obligations of such city.

§ 5. This act shall take effect immediately.

Chap. 302.

AN ACT to amend chapter one hundred and sixty-six of the laws of eighteen hundred and ninety-five, entitled "An act to incorporate the trustees of scenic and historic places and objects and to provide for the care of certain property of the state."

Became a law April 19, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Charter
amended.

Section 1. Section one of chapter one hundred and sixty-six of the laws of eighteen hundred and ninety-five, entitled "An act to incorporate the trustees of scenic and historic places and objects, and to provide for the care of certain property of the state" is hereby amended so as to read as follows:

Corpora-
tors.

§ 1. The following persons: William H. Webb, Samuel D. Babcock, John M. Francis, Andrew H. Green, Charles A. Dana, Oswald Ottendorfer, Chauncey M. Depew, Horace Porter, William Allen Butler, Mornay Williams, George G. Haven, Eldridge T. Gerry, Walter S. Logan, Henry E. Howland, Edward P. Hatch, William L. Bull, James M. Taylor, J. Hampden Robb, Ebenezer K. Wright, Alexander E. Orr, William M. Evarts, Wager Swayne, Charles R. Miller, Frederick W. Devoe, Elbridge S. Spaulding, Frederick S. Tallmadge, Thomas V. Welch, S. Van Rensselaer Cruger, Frederick J. de Peyster, Morgan Dix, John A. Stewart, Charles C. Beaman, Francis Vinton Greene, Peter A. Porter, M. D. Raymond, George N. Lawrence, Benjamin F. Tracy, Augustus Frank, Charles Z. Lincoln, John Hudson Peck, Sherman S. Rogers, William Hamilton Harris, Lewis Cass Ledyard, Alexander B. Crane, John Hodge, Robert L. Fryer, J. S. T. Stranahan, Samuel Parsons, junior, Charles A. Hawley, Henry E.

Gregory, Frederick D. Tappen, Henry J. Cookinam, Henry R. Durfee, H. Walter Webb, and such others as shall become associated with them in the manner and upon the terms and conditions prescribed by the by-laws of the corporation hereby created, are hereby constituted a body politic and corporate by the name of society for the preservation of scenic and historic places and objects with all the powers and subject to the provisions of the eleventh section of chapter thirty-five of the general corporation law as amended by chapter six hundred and eighty-seven of the laws of eighteen hundred and ninety-two, except as otherwise provided by this act, and shall be capable of purchasing, taking, receiving and holding by gift, grant, devise, bequest, or otherwise, in trust or perpetuity, real and personal estate for the uses and purposes of said corporation, the value of which shall not exceed one million dollars.

Corporate
name and
powers.

§ 2. Section three of said act is hereby amended so as to read as follows:

§ 3. The affairs and business of said corporation shall be conducted by a board of not less than five nor more than twenty-five trustees, a quorum of whom for the transaction of business shall be fixed by the by-laws. Any five of the persons named in the first section of this act who may be designated by the president of the said corporation shall hereafter constitute the board of trustees, shall establish the by-laws of the corporation, and shall continue to hold office until others are elected in their stead, as provided by the said by-laws. Vacancies in the board of trustees may be filled in manner prescribed by the said by-laws.

Trustees.

Vacancies
in board.

§ 3. This act shall take effect immediately.

Chap. 303.

AN ACT to amend chapter one hundred and nineteen, laws of eighteen hundred and sixty-nine, entitled "An act to incorporate the American Museum of Natural History," relative to its charter.

Became a law April 19, 1898, with the approval of the Governor.

Passed, a majority being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section three of chapter one hundred and nineteen of the laws of eighteen hundred and sixty-nine, entitled "An act

Charter
amended.

to incorporate the American Museum of Natural History," is hereby amended so as to read as follows:

Real and
personal
estate.

§ 3. Said corporation may take and hold by gift, devise, bequest, purchase, or lease, either absolutely or in trust, for any purpose comprised in the objects of the corporation, any real or personal estate, necessary or proper for the purposes of its incorporation.

§ 2. This act shall take effect immediately.

Chap. 304.

AN ACT to provide a clerk for the justice of the supreme court residing in Jefferson county.

Became a law April 19, 1898, with the approval of the Governor.
Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Appoint-
ment or
removal of
clerk.

Section 1. The trial justice of the supreme court who resides in Jefferson county shall so long as he is acting as a trial justice in the fifth judicial district, have a confidential clerk who may be appointed and removed at the pleasure of said justice. The appointment or removal must be in writing and entered in the office of the secretary of state. Said clerk shall receive an annual salary of twelve hundred dollars to be paid by the comptroller in quarterly payments and which shall be a charge upon the fifth judicial district.

Salary.

§ 2. This act shall take effect immediately.

Chap. 305.

AN ACT to amend chapter seven hundred and sixty-five of the laws of eighteen hundred and fifty-seven, entitled "An act in relation to common schools in the village of Penn Yan," relative to the time of holding annual school meetings.

Became a law April 19, 1898, with the approval of the Governor.
Passed, a majority being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

School act
amended.

Section 1. Section four of chapter seven hundred and sixty-five of the laws of eighteen hundred and fifty-seven, entitled "An act

in relation to common schools in the village of Penn Yan," is hereby amended to read as follows:

§ 4. The term of office of the trustees to be elected under the provisions of this act, shall be three years from the first Monday of January next succeeding their election, and until their successors shall enter upon the discharge of the duties of their office respectively. The annual meeting of said district shall be held on the first Tuesday in August in each year, at such time and place in said district as the board of education shall previously appoint. The president of the board, or in his absence, the president for the time being, shall preside and the district clerk, or in his absence, the clerk for the time being shall act as secretary thereof.

Terms of trustee.

Annual meeting.

§ 2. This act shall take effect immediately.

Chap. 306.

AN ACT to amend chapter thirty of the laws of eighteen hundred and eighty-five, entitled "An act to amend, revise and consolidate the several acts relating to the village of Oneonta, in the county of Otsego," in relation to the taxes and claims for damages.

Became a law April 19, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Sections thirty-eight and fifty-one of chapter thirty of the laws of eighteen hundred and eighty-five, as amended by chapter three hundred and thirty-one of the laws of eighteen hundred and ninety-one are hereby amended to read respectively as follows:

Charter amended.

§ 38. The trustees shall have power to raise by tax, as elsewhere provided for in this act, the amount of three-fourths of one per centum in addition to the sum raised by poll tax and for highway labor annually upon the taxable property of the said village, said moneys so raised to be used for streets, walks, sewers, drains, paving and all other uses for improvement as well as for expenses and indebtedness of said village, and no debt or liabilities shall in any year be incurred, made or allowed for streets, walks, sewers and drains, paving, guttering, or other improvements of any kind which are not pro-

Annual tax for street improvements.

Incurring of debt restricted.

vided for in the tax-roll, or highway labor or poll-tax or other income of each year.

Additional
tax for
village
expenses,
etc.

§ 51. The trustees of the corporate village of Oneonta are empowered by this act to raise annually, by tax upon the real and personal estate appearing upon the assessment-roll, three-fourths of one per centum of the assessed value of said village, or so much thereof as they shall deem proper for the expenses and uses of said village, in addition to the sum otherwise received as provided for in this act. Of the moneys so raised at least one thousand dollars thereof shall be annually paid in extinguishing the present indebtedness of the village, exclusive of the interest annually due on the said village indebtedness, until all the indebtedness of said village shall be paid.

§ 2. Section fifty-eight of chapter thirty of the laws of eighteen hundred and eighty-five is hereby amended to read as follows:

Accounts,
etc., to be
verified.

§ 58. No account or claim against said village shall be audited or allowed unless verified by the oath of the claimant, or his legal representative, as is required in the case of town accounts. Said village shall not be liable for damages or injury to persons or property alleged to have arisen or been sustained from or in consequence of a defective or unsafe condition of any sidewalk, street, highway, crosswalk, grating, opening, bridge or culvert, drain or sewer, unless such claim against the village for any such damage or injury, shall, within sixty days after the happening of such damage or injury, be presented by or in behalf of the claimant to the president or board of trustees in writing, signed by the claimant, and duly verified by him or her, describing the time when, and the particular location of the place where such injury occurred, and the cause, nature and extent of the injury or damage, and unless such claim is so presented, as aforesaid, within said sixty days, the claimant shall be forever barred and estopped from bringing or maintaining any action or proceeding against the village to recover for such injury or damage. No action for any such damage or injury shall be maintained against the village in any event, unless brought within one year from the happening of the same.

Claims for
damages.

Actions to
be brought
within one
year.

§ 3. Section thirty-nine of chapter thirty of the laws of eighteen hundred and eighty-five, is hereby amended to read as follows:

Highway
tax.

§ 39. The trustees are empowered in addition to the moneys named in the last preceding section to levy one day's labor, or one dollar in money, as highway tax for every four hundred

dollars of assessment on the real and personal estate as it appears on the last assessment-roll of said village, and at the same rates for fractional parts thereof. Such labor or money to be used and expended on streets, walks, paving, crossings, bridges, sewers, and drains, and other improvements and expenses of said village.

Every male person of the age of twenty-one years, not exempt by law, whose residence is at the time within said village, shall be liable for and shall pay one day's labor or one dollar in money whichever the trustees decide, as a poll or per capita tax in addition to the tax on assessed property above named. Whenever the trustees by resolution so decide, the labor may be omitted and in such case the sum in money at the rate above named shall be added to the ordinary tax roll and collected as other village taxes are collected, but when they decide that labor or money be optional with the taxpayers the same shall be collected by the street commissioner, whether it be assessed labor or poll tax, except as otherwise provided in this act. Poll tax.

§ 4. This act shall take effect immediately.

Chap. 307.

AN ACT to authorize the district attorney of Cayuga county to apply to the county judge of said county for the approval and ratification of the employment of counsel, employed to assist said district attorney in the trial of an indictment against Frank N. Sheldon upon a charge of murder in the first degree, and providing for the certification of the cost and expense thereof by the judge who presided at the trial.

Became a law April 19, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The district attorney of the county of Cayuga is hereby authorized to make application to the county judge of said county for his approval and ratification in writing of the employment of counsel employed by said district attorney to assist him in the trial of an indictment in Cayuga county in eighteen hundred and ninety-seven, which indictment was found in said county in eighteen hundred and ninety-six against Frank N. Sheldon for murder in the first degree; and said county judge is hereby au-

Applica-
tion for
ratifica-
tion of
employ-
ment of
counsel.

thorized to make said approval and ratification, and such approval and ratification, so made by said county judge, shall be filed in the office of the county clerk of said county and shall have the same force and effect as if such approval in writing of such employment had been made by said county judge and filed in the office of the county clerk before the trial of said indictment was begun.

Certification of costs and expenses.

§ 2. The costs and expenses of such employment, if said employment be approved and ratified as provided in the first section of this act shall be certified by the judge who presided at said trial, and shall be a charge upon said county and the amount thereof shall be paid by the treasurer of Cayuga county from the court fund, upon an order made by the judge who presided at said trial. But the amount so certified shall not exceed the sum of one thousand dollars.

§ 3. This act shall take effect immediately.

Chap. 308.

AN ACT to amend chapter two hundred and sixty-one of the laws of eighteen hundred and ninety-two, being an act entitled "An act to provide for the compensation of justices of the supreme court from any judicial district other than the second judicial district, who shall be assigned to hold court or perform judicial duties in the county of Kings, and to provide for the assignment of such justices."

Became a law April 19, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Act amended.

Section 1. Section one of chapter two hundred and sixty-one of the laws of eighteen hundred and ninety-two, being an act entitled "An act to provide for the compensation of justices of the supreme court from any judicial district other than the second judicial district, who shall be assigned to hold court or perform judicial duties in the county of Kings, and to provide for the assignment of such justices," is hereby amended so as to read as follows:

Compensation of justices assigned from other districts.

§ 1. Whenever any justice of the supreme court from any judicial district other than the second judicial district shall be duly assigned to hold any court or perform judicial duties in and for the

second judicial district in the county of Kings, it shall be lawful for the board of supervisors of the said county of Kings to allow such justices so assigned a sum to be paid by the county treasurer of said county not exceeding twenty dollars a day for every day such justice shall sit and perform such judicial duties, including the time necessarily devoted to the examination and decision of cases heard by such court while he may be a member thereof.

§ 2. This act shall take effect immediately.

Chap. 309.

AN ACT in relation to the compensation of justices of the supreme court designated to the appellate division of the second department, from any district other than the second judicial district.

Became a law April 19, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. A justice of the supreme court designated to the appellate division of the second department from any district, except the second judicial district, shall, in lieu of the allowances now made by the state or by the county of Kings, be paid by the counties composing such department, such sum as shall be certified by the presiding justice of that department to be a reasonable compensation for his increased expenses and disbursements in the performance of his duties under such designation, not exceeding such a sum as shall, together with the salary and expenses amounting to seven thousand two hundred dollars, allowed to him by law, make the amount received by him in any one year equal to the amount received as compensation by a justice of the supreme court residing in the county of Kings. Such sums shall forthwith for the current year and annually thereafter on or before the fifteenth day of January, be certified by such presiding justice to the comptroller of the state, who shall cause the same to be paid to such nonresident justices in equal quarterly installments. The comptroller shall annually apportion such aggregate sum among the counties of the second judicial department, in proportion to the taxable property of such counties respectively, according to the last assessment-roll thereof. The amount so ap-

Compensation for increased expenses and disbursements.

Certificate to comptroller.

Apportionment and payment by counties.

portioned to each county shall be a county charge, and the county treasurer upon receipt thereof shall pay over the same to the comptroller of the state.

§ 2. This act shall take effect immediately.

Chap. 310.

AN ACT to legalize certain assessments.

Became a law April 19, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. An assessment of real or personal property heretofore made shall not be deemed invalid because the property was assessed to the "estate" of a decedent, instead of to his personal representatives, devisees, legatees, heirs, or next of kin.

§ 2. Nothing in this act contained shall affect any legal action now pending.

§ 3. This act shall take effect immediately.

Chap. 311.

AN ACT to authorize executors and trustees, subject to the approval of the supreme court, to acquire or exchange lands for the purpose of straightening or improving boundary lines of real property.

Became a law April 19, 1898, with the approval of the Governor.

Passed, a majority being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Acquisition or exchange of lands by executors, etc., for certain purposes.

Section 1. Whenever, by the provisions of a will, or of a deed of trust, a power of sale is given to one or more executors or trustees, it shall be lawful for any such executor or trustee, subject to the approval of the supreme court, to acquire or exchange lands adjacent to the land or lands subject to such power of sale, as may be deemed desirable for the straightening or improvement of the boundary lines thereof, upon such terms and conditions as may be approved by the supreme court; and

the supreme court may, by order, on such terms and conditions as seem just and proper, authorize any such executor or trustee to acquire or exchange lands adjacent to the land or lands subject to such power of sale for the purposes mentioned in this act.

§ 2. This act shall take effect immediately.

Chap. 312.

AN ACT increasing the jurisdiction of the city court of Albany, and relative to a jury list in said court, and regulating the practice therein.

Accepted by the city.

Became a law April 19, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The city court of Albany shall have jurisdiction of the following actions and proceedings when any person a party thereto is a resident of the city of Albany, New York, whether commenced by summons, warrant, attachment or other process:

1. An action to recover damages upon or for breach of contract, express or implied, other than promise to marry, where the sum claimed does not exceed one thousand dollars.

2. An action to recover damages for a personal injury or injury to property, where the sum claimed does not exceed one thousand dollars.

3. An action upon a bond conditioned for the payment of money, where the sum claimed to be due does not exceed one thousand dollars.

4. An action upon a surety bond taken in the court or by any justice of the peace where the sum claimed does not exceed one thousand dollars.

5. An action upon a judgment rendered in the city court or in a court of a justice of the peace or in a district court or in a justice's court of a city being a court not of record.

6. An action to recover one or more chattels with or without damages for the taking, withholding or detention thereof where the value of the chattel or of all the chattels as stated in the affidavit made on the part of the plaintiff does not exceed one thousand dollars.

7. To render judgment on the confession of a defendant or defendants as prescribed in title six, chapter nineteen of the code of civil procedure, where the sum confessed does not exceed one thousand dollars.

8. In an action for damages for fraud on the sale, purchase or exchanging of personal property where the damages claimed do not exceed one thousand dollars.

9. In an action commenced by attachment, pursuant to the provisions of article four of title two of chapter nineteen of the code of civil procedure, where the debt or damages claimed do not exceed one thousand dollars.

10. The summary proceedings under title two of chapter seventeen of the code of civil procedure to recover possession of land and to remove tenants and others therefrom.

11. In actions or proceedings under any statute for the enforcement of liens of mechanics or others where the amount of the lien does not exceed the sum of one thousand dollars, under the same proceedings as are provided by law to be had in justice's courts.

12. An action against an executor or administrator as such where the amount of the claim does not exceed the sum of one thousand dollars, and the claim has been duly presented to the executor or administrator and rejected by him.

13. In proceedings or actions to recover a penalty for a violation of any ordinance of the city.

14. In any other action or civil proceeding of which justices of the peace of the towns now have jurisdiction.

Not to
take cogni-
zance of
certain
cases.

§ 2. Such court can not take cognizance of a civil action in either of the following cases:

1. Where the title to real property comes in question as prescribed in title three of chapter nineteen of the code of civil procedure. But when such question arises the pleadings and practice shall be the same as are now provided by law for justices courts in regard thereto.

2. Where the action is to recover damages for false imprisonment, libel, slander, criminal conversation, seduction or malicious prosecution or where it is brought under sections eighteen hundred and thirty-seven, eighteen hundred and forty-three, eighteen hundred and sixty-eight, nineteen hundred and two or nineteen hundred and sixty-nine of the code of civil procedure.

3. Where, in the matter of account, the sum total of the accounts of both parties proved to the satisfaction of the court exceeds the sum of two thousand dollars.

§ 3. In an action brought in the city court of Albany to recover upon or for breach of a contract express or implied, the plaintiff may serve upon the defendant the summons and in like manner a copy of a written complaint verified in like manner as a verified pleading in the supreme court. In that case unless the defendant upon the return of the summons files a written answer verified in like manner denying one or more material allegations or generally each allegation in the complaint or setting forth new matter constituting one or more defenses or counterclaims, the justice must render judgment in favor of the plaintiff for the sum claimed in the complaint with costs without putting the plaintiff to any proof. The provisions of this section apply where the action is against two or more defendants jointly indebted and the summons and a copy of the complaint are served upon one or more but not upon all of them, in which case the judgment may be taken as prescribed in this section against all of the defendants in like manner and with like effect as a judgment taken as prescribed in section thirty hundred and twenty of the code of civil procedure.

Summons
and com-
plaint.

Judgment
upon
failure to
answer.

Applica-
tion of pro-
visions.

§ 4. A defendant against whom an action to recover upon contract or an action to recover a chattel is pending in said court may at any time before answer upon proof by affidavit that a person not a party to the action makes a demand against him for the same debt or property without collusion with him apply to the court upon notice to that person and to the adverse party for an order to substitute that person in his place and to discharge him from liability to either, on his paying into court the amount of the debt or delivering the possession of the property or its value to such person as the court directs.

Substitu-
tion of de-
fendant.

§ 5. The justice of said court from time to time may make rules of practice not inconsistent with the provisions of law. Such rules shall not take effect however until a copy thereof signed by the justices of said court shall have been filed in the office of the clerk of said court. The appearance of an attorney and counsellor at law of the supreme court of this state on behalf of any party to any action or proceeding pending in said court may be made by filing with the clerk of said court a notice of appearance and shall have the same force as if such appearance had

Rules of
practice.

Appear-
ances.

Notice of
motion.

been made in an action or proceeding pending in the supreme court. If notice of a motion or of any proceeding before the court or a judge thereof be necessary it shall be served upon the party or his attorney at least five days before the time appointed for the hearing, unless the court or a justice thereof upon affidavit, showing grounds therefor, makes an order to show cause why the relief asked for should not be granted and in the order directs the service thereof less than five days before it is returnable be sufficient. The said court shall have power in an action tried by a jury to direct a verdict. A motion for a new trial upon the minutes in a case tried by jury must be made at the close of the trial. Judgment upon the trial of an action on the merits before a justice without a jury must be rendered within ten days after the same has been finally submitted. Every action and proceeding brought in the court shall be called at the time specified in the mandate or process by which it is commenced or as soon thereafter as the business of the court shall permit, and section twenty-eight hundred and ninety-three of the code of civil procedure shall not apply to such action or proceeding.

Motion for
new trial.

Actions,
when
called.

Judgment
of court.

§ 6. A judgment of said court shall be in all respects the same as a judgment rendered by a justice of the peace of towns, and all provisions of the code of civil procedure in relation to filing transcripts of such judgment and docketing the same in the office of the clerk of the county in which the city is located or of any other county shall in all respects be the same as if the judgment was recovered before a justice of the peace of a town. But such judgment shall be a lien and remain in force for the same length of time as a judgment originally recovered in the county court.

Adjourn-
ments.

§ 7. The court may in its discretion grant one or more adjournments of the trial of an action or the hearing of a motion or other proceedings for such times and upon such terms as it may deem just unless the defendant has been arrested, in which case no adjournment shall be made without his consent.

List of
jurors.

§ 8. The justices of said court shall on or before the first day of May in each year make a list of names of persons who shall constitute the jurors for the said court for the ensuing year. Such list shall not contain less than two hundred and fifty names of persons each and every one of whom must be a resident of the city and qualified under the general statutes of this state to act as trial jurors.

1. The said justices shall on or before the tenth day of May in each year file such list of names of said jurors for the ensuing year with the clerk of said court.

2. A person notified to attend as a juror is entitled to fifty cents ^{Jurors' fees.} for attending and serving upon the trial of an action in said court and twenty-five cents for attending to serve where he is not sworn.

§ 9. At the time when issue of fact is joined in said court either party may demand a trial by jury and unless so demanded at the joining of issue a jury trial is waived. ^{Trial by jury.}

§ 10. When a trial by jury is duly demanded as above provided the justice of the said court at the time presiding must forthwith openly withdraw such number of ballots as he deems necessary from the box or other receptacle containing the names of persons who are returned as jurors of the city as herein above provided. ^{Drawing of jurors.}

§ 11. Where security for costs is required to be given in said court in pursuance of chapter twenty-one, title three, of the code of civil procedure, a justice thereof must make an order requiring the plaintiff within a time specified either to pay into court the sum of one hundred dollars to be applied to the payment of costs if any awarded against him or at his election to file with the clerk an undertaking in the said sum of one hundred dollars, and to serve a written notice of the payment or of the filing upon the defendant's attorney; and staying all other proceedings on the part of the plaintiff, except to review or vacate the order, until the payment or filing, and notice thereof, and, also, if an undertaking is given the allowance of the same. ^{Security for costs.}

§ 12. In all civil actions and proceedings in the court the successful party shall tax and recover all fees paid by him, or which he will necessarily incur. In addition thereto there shall be allowed to a party in case he has appeared by an attorney of the supreme court, and not otherwise, the following sums as costs: ^{Fees and costs.}

1. For all proceedings before trial, including judgment for plaintiff upon default, in case the amount of recovery be thirty dollars or less, to the plaintiff, ten per centum of such amount; in case the recovery be more than thirty dollars and not more than two hundred and fifty dollars, five dollars; in case the recovery be more than two hundred and fifty dollars and not more than five hundred dollars, seven dollars; in case the recovery be more than five hundred dollars and not more than seven hun-

dred and fifty dollars, ten dollars; in all other cases, twelve dollars.

2. If judgment be for plaintiff, otherwise than upon default, an additional sum equal to ten per centum of the recovery, not exceeding twenty-five dollars.

3. If the plaintiff recover judgment in an action for the recovery of one or more chattels, the foregoing sum, allowed as additional costs, shall be estimated upon the value of such chattels as assessed by the court or jury.

4. If judgment be rendered for the defendant, by default to the defendant, in a case where the amount demanded in the complaint is thirty dollars or less, ten per centum of such amount; in a case where the amount demanded in the complaint is more than thirty dollars and not more than two hundred and fifty dollars, five dollars; in a case where the amount demanded in the complaint is more than two hundred and fifty dollars and not more than five hundred dollars, seven dollars; in a case where the amount demanded in the complaint is more than five hundred dollars and not more than seven hundred and fifty dollars, ten dollars; in a case where the amount demanded in the complaint is more than seven hundred and fifty dollars, twelve dollars; and where there is no complaint, three dollars.

5. If the judgment be rendered for the defendant after trial, to the defendant, ten per centum upon the amount claimed in the complaint, not exceeding twenty-five dollars.

6. A defendant who recovers judgment upon a counter claim for a sum greater than that claimed by the plaintiff, shall be allowed ten per centum on the amount so recovered, not exceeding twenty-five dollars; and in such case he shall be allowed no other costs except his disbursements.

7. No costs or fees shall be allowed and recovered in an action brought upon a judgment of the court, unless such action be brought more than five years after the recovery of the judgment sued on.

8. Costs, upon a motion in any action or proceeding, not exceeding three dollars, may be awarded either absolutely or to abide the event of the action or proceeding, to any party, in the discretion of the court or judge. The costs awarded under this section of this act may be included in the final judgment, or, if not so included, may be enforced in accordance with the provisions of section seven hundred and seventy-nine of the code of civil procedure.

§ 13. Any justice holding the court while in session, shall have the same powers to preserve order and to punish for contempts committed in his presence as are possessed by judges of courts of record; provided, however, that an appeal may be taken from an order adjudging a person in contempt to the county court in the same manner as an appeal from a judgment. Pending the determination of such appeal the person adjudged in contempt, if he shall be imprisoned, may be admitted to bail by any justice of the court, or of the county court, in such an amount, and by an undertaking in such form and terms, and with such sureties as shall be approved by the judge.

Power to
punish for
contempt,
etc.

§ 14. Appeals may be taken from any judgment rendered in said court to the county court of the county of Albany, in the same manner and with like effect as appeals are taken from judgments obtained in justices' courts, except as otherwise provided herein. An appeal may also be taken to the same court from an order granting a motion for a new trial. Such appeal must be taken within ten days after service of the order appealed from and notice of the entry thereof. It shall be taken in the same manner as an appeal from a judgment, and all subsequent proceedings therein shall be conducted as near as may be in like manner as in such an appeal. The appellate court may grant costs, not exceeding ten dollars, to the successful party on such an appeal. The order of the appellate court shall be remitted to the said city court to be enforced. For the purpose of an appeal to the supreme court, the order of the county court, made on appeal from an order, shall be deemed an order of the county court, except that the order or judgment made in the supreme court shall be certified and remitted to the said city court to be enforced. Upon an appeal from a judgment, the appellate court upon its reversal may, in its discretion, order a new trial before either of the justices of the city court, at a time designated, and in such case the costs of the appeal shall be in the discretion of the appellate court. Any decision or opinion in writing filed by a justice of the court shall, upon appeal, be returned as a part of the record of the proceedings. Costs required to be paid to perfect an appeal, under section thirty hundred and forty-seven of the code of civil procedure, shall not include the costs awarded a party under section twelve of this act; but upon judgment affirming the judgment appealed from, or upon the plaintiff or

Appeals
from judg-
ments.

Costs upon
appeal.

defendant being entitled to recover costs upon a new trial had in the appellate court, such costs may be included therein, except that the per centum allowed under section twelve of this act, shall be computed upon the amount of damages awarded, or the value of the chattels recovered, in the judgment of the appellate court.

Laws in
force con-
tinued.

§ 15. Except as hereinbefore provided all laws now in force relating to the city court of Albany, the justice's clerk and marshals thereof, shall continue in force and effect.

Repeal.

§ 16. All acts and parts of acts inconsistent with this act are hereby repealed.

§ 17. This act shall take effect immediately.

Chap. 313.

AN ACT to amend chapter one hundred and five of the laws of eighteen hundred and ninety-one, entitled "An act to revise the charter of the city of Buffalo," and the several acts amendatory thereof and supplementary thereto, in relation to taxes.

Accepted by the city.

Became a law April 19, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

City
charter
amended.

Section 1. Section seventy-six of chapter one hundred and five of the laws of eighteen hundred and ninety-one, as amended by chapter eight hundred and five of the laws of eighteen hundred and ninety-five, and by chapter eight hundred and nine of the laws of eighteen hundred and ninety-six, is hereby amended so as to read as follows:

Notice of
receiving
taxes.

§ 76. Upon the receipt of said roll, the treasurer shall give notice by publishing same in the official paper and by posting the same in six public places in each ward, that the general tax rolls have been received by him; that they will remain in his hands until the first day of March following and that payment of the taxes and assessments thereon may be made to him at any time before the expiration of one month from the time said rolls were received by him without additions; that at the end of said month an addition of one per centum upon every unpaid tax and assessment will be added thereto; that an addition of one-half per centum will be

Fees for
collection.

made every month thereafter until the first day of March following, at which time an addition of five per centum upon every unpaid tax and assessment will be added thereto, and that thereafter all taxes and assessments will be charged with interest at the rate of six per centum per annum on the first day of each month until the same are paid and such additions, interest and fees shall be charged accordingly. On or before the first day of February in each year, the treasurer shall give notice to all owners of land upon which there remains in his hands any such unpaid tax or assessment, by mailing written notice to their address as shown on the maps in the assessors' office, and if no such address is shown, such notice shall be addressed to them at Buffalo, New York, that if such tax or assessment is not paid on or before the first day of March next thereafter five per centum will be added thereto, as herein provided, and the same will be returned to the comptroller for tax sale, but failure to give such notice shall not invalidate the tax or assessment or subsequent proceedings. Whenever any tax appearing upon said rolls shall be erroneously marked cancelled or paid, the treasurer shall, immediately upon the discovery thereof, notify the owner of the property upon which said tax was so cancelled, that said cancellation was erroneous and that such tax must be paid within thirty days from the date of such notice. Said notice shall be in writing, and shall be mailed to the address of such owner, as said address appears on the maps in the assessors' office, and, if no such address is shown, such notice shall be addressed to him at Buffalo, New York. In case said tax is not paid within said thirty days, the treasurer shall mark said tax "Erroneously cancelled," together with the date of such cancellation, and the lien of said tax shall be restored. If such tax is not restored before delivery of the rolls to the comptroller, he shall place said tax upon the tax rolls of a subsequent year, in a separate column, and said tax shall have the same force and be collected in the same manner as an original city tax for that year.

Notice to
pay unpaid
taxes.

Taxes er-
roneously
marked
cancelled
or paid.

§ 2. This act shall take effect immediately.

Chap. 314.

AN ACT to amend chapter one hundred and five of the laws of eighteen hundred and ninety-one, entitled "An act to revise the charter of the city of Buffalo," relative to taxes.

Accepted by the city.

Became a law April 19, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

City
charter
amended.

Section 1. Section one hundred and four of chapter one hundred and five of the laws of eighteen hundred and ninety-one, entitled "An act to revise the charter of the city of Buffalo," is hereby amended so as to read as follows:

Collection
of assess-
ment-roll.

§ 104. The treasurer shall proceed with the collection of said roll in the manner provided for other assessments, and, for such purpose, retain the roll in his possession at all times. On or before the first day of May of each year, he shall make a transcript from the rolls received by him more than two months previous thereto, of each unpaid instalment which shall have become due and payable with the addition thereto, which transcript shall be delivered to the comptroller to be spread on the general roll for that year, in the manner specified in section seventy-five of this act, and the treasurer shall note on the original roll the instalments so transferred.

Return of
unpaid
install-
ments.

He shall continue the collection of the balance of said roll until on or before the first day of May in the following year, when he shall make a transcript of the second instalment of the assessments on said roll which shall have become due and payable. He shall cause a transcript of said instalment so due and payable with the additions thereon, to be delivered to the comptroller to be spread on the general tax roll for that year, and shall note on the original roll the instalments so transferred. He shall continue the collection of the balance of said roll until on or before the first day of May in the following year, when he shall make a transcript of the third instalment of the assessments on said roll which shall have become due and payable. He shall cause a transcript of said instalment so due and payable with the additions thereon, to be delivered to the comptroller to be spread on the general tax roll for that year, and shall note on the original roll the instalment so transferred. He shall continue the collection of the balance of said roll until on or before

Collection
and return
of second
install-
ment.

Third
install-
ment.

Fourth
install-
ment.

the first day of May in the following year when he shall in like manner make a transcript of the fourth instalment on such roll, which shall have become due and payable. He shall cause a transcript of said instalment so due and payable, with the additions thereon, to be delivered to the comptroller to be spread on the general tax roll for that year, in the same manner as hereinbefore provided, and note on the original roll the assessment so transferred. He shall continue the collection of the balance of said roll until on or before the first day of May in the following year, when he shall in like manner make a transcript of the fifth instalment on such roll, which shall have become due and payable. He shall cause a transcript of said instalment so due and payable, with the additions thereon, to be delivered to the comptroller to be spread on the general tax roll for that year as hereinbefore provided, and note on the original roll the assessment so transferred. Annual interest shall be paid to the treasurer on all unpaid instalments at the time any one of them shall become due, and said treasurer shall not receive payment of any instalment after the first unless interest then due on all instalments shall be paid at the same time; if the annual interest is not paid, the treasurer shall return such interest together with the instalment then due, to the comptroller, to be spread on the general tax roll of the year. The treasurer may receive the whole of any assessments, with accrued interest and additions, at any time before the same is returned to the comptroller.

Fifth
instalment.

Annual
interest.

Return in
case of
default of
interest.

May re-
ceive the
whole of
assess-
ment.

§ 2. This act shall take effect immediately.

Chap. 315.

AN ACT to provide for the transfer to the treasurer of the city of Rochester, of certain powers of the commissioners of sewerage for the Tenth, Fifteenth and Twentieth wards in the city of Rochester, and the town of Gates, Monroe county.

Accepted by the city.

Became a law April 19, 1898, with the approval of the Governor.
Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The commissioners of sewerage for the Tenth, Fifteenth and Twentieth wards, in the city of Rochester, and the

Transfer
of records,
funds, etc.,
to treas-
urer.

town of Gates, Monroe county, having completed the construction of the sewer provided for by chapter six hundred and three of the laws of eighteen hundred and ninety-two, and the acts amendatory thereof and supplementary thereto, are hereby required, within twenty days after the passage of this act, to transfer to the treasurer of the city of Rochester, Monroe county, New York, all the records and proceedings of the said commissioners, together with the assessment-roll made by them, and all moneys collected thereon, and all other funds in the hands of said commissioners; whereupon the powers and duties of the said commissioners under the said acts shall cease, except as hereinafter provided.

Issue and
sale of
assessment
bonds.

§ 2. Upon such transfer being made, the said treasurer of the city of Rochester, in addition to the powers and duties conferred upon him by chapter six hundred and three of the laws of eighteen hundred and ninety-two, as amended by chapter four hundred and thirty-eight of the laws of eighteen hundred and ninety-five, is hereby empowered to issue and offer for sale and sell, at not less than par value thereof, assessment bonds to the amount of four hundred thousand dollars, or so much thereof as may be required for the purposes hereinafter specified. Such assessment bonds shall bear interest at the rate of four and one-half per centum per annum, payable semi-annually, and shall mature in from one to six years from the first day of August, eighteen hundred and ninety-eight, in amounts to be determined by the said treasurer of the city of Rochester. With the proceeds of the sale of the said bonds, together with the available moneys in his hands as the successor in office of the said commissioners, the said treasurer of the city of Rochester shall redeem and cancel the certificates of indebtedness or assessment bonds heretofore issued by the said commissioners of sewerage, under the provisions of chapter six hundred and three of the laws of eighteen hundred and ninety-two, as amended by chapter four hundred and thirty-eight of the laws of eighteen hundred and ninety-five. Such redemption shall be made on the first day of August, eighteen hundred and ninety-eight, or at the earliest practicable date thereafter. Said assessment bonds, when issued by the said treasurer of the city of Rochester, under the provisions of this act, shall have the same force and effect as the bonds issued by the said commissioners of sewerage, pursuant to the provisions of chapter six hundred and three of the laws of eighteen hundred

Redemption
of cer-
tificates or
bonds.

Force and
effect of
bonds
issued.

and ninety-two, as amended by chapter four hundred and thirty-eight of the laws of eighteen hundred and ninety-five.

§ 3. The said treasurer of the city of Rochester is hereby empowered to maintain or defend any action or special proceeding arising from the acts of said commissioners of sewerage, or arising from his own acts as their successor in office. Said treasurer of the city of Rochester is hereby substituted in place of the commissioners of sewerage, as party to any action or special proceeding now pending, and it is hereby made the duty of the city attorney of the city of Rochester to appear for the said treasurer and prosecute or defend all actions or special proceedings to which said treasurer may be made a party.

Actions
and pro-
ceedings.

Substitution
of
treasurer.

Duty of
city attorney.

§ 4. The said treasurer of the city of Rochester is hereby authorized, with the approval in writing of the county court of Monroe county, to pay from the funds in his hands any necessary expense not otherwise provided for, which may be incurred in carrying out the provisions of this act.

Payment
of ex-
penses.

§ 5. In case said treasurer of the city of Rochester shall, at any time, determine that the amount levied by the assessment heretofore made by the commissioners of sewerage, pursuant to the provisions of chapter six hundred and three of the laws of eighteen hundred and ninety-two, as amended by chapter four hundred and thirty-eight of the laws of eighteen hundred and ninety-five, is insufficient to pay off, at the maturity thereof, the assessment bonds herein provided for, and shall file a certificate with the clerk of Monroe county that such deficiency is in excess of the sum of thirty thousand dollars, then, and in that case, the county court of Monroe county shall make an order directing the said commissioners of sewerage, who were appointed under the provisions of chapter six hundred and three of the laws of eighteen hundred and ninety-two and chapter four hundred and thirty-eight of the laws of eighteen hundred and ninety-five, or their successors in office under the provisions of said acts, to make such further assessment as shall be necessary, and the proceedings in reference thereto shall be, in all respects, as far as practicable, the same as provided for in chapter six hundred and three of the laws of eighteen hundred and ninety-two, as amended by chapter four hundred and thirty-eight of the laws of eighteen hundred and ninety-five, except that such assessment may be made payable in one or more installments as the said commis-

Further
assessment
for defi-
ciencies.

Apportion-
ment of
deficien-
cies.

sioners of sewerage may determine. In case such deficiency does not exceed the sum of thirty thousand dollars, then, and in that case, the said county court shall make an order determining the amount of such deficiency, and directing the said treasurer of the city of Rochester to apportion the same to each of the persons, his or their representatives or assigns, who were assessed under the provisions of said chapter six hundred and three of the laws of eighteen hundred and ninety-two, as amended by chapter four hundred and thirty-eight of the laws of eighteen hundred and ninety-five, in proportion to the amount which each such person or persons were assessed in the assessment-roll heretofore made by said commissioners under the provisions of said acts. Such apportionment shall be in the usual form of an assessment-roll, payable in one installment, at such time as the said treasurer of the city of Rochester shall determine. Upon filing the said assessment-roll, or a copy thereof, with the clerk of Monroe county, and upon the publication of a notice of such filing for ten days in at least three of the daily newspapers of the city of Rochester, one of which shall be a German newspaper, the said assessment shall be a lien upon the several tracts or parcels of land included therein until the same shall be paid. And the proceedings for the collection and enforcement thereof shall be in all respects, as near as practicable, the same as provided for in the assessment heretofore made by the said commissioners of sewerage under the provisions of chapter six hundred and three of the laws of eighteen hundred and ninety-two, as amended by chapter four hundred and thirty-eight of the laws of eighteen hundred and ninety-five.

Assess-
ment-roll.

Lien of
assess-
ment.

Proceed-
ings for
collection.

Transfer of
interest,
liens or
titles to
lands.

§ 6. The said commissioners of sewerage are hereby required to transfer to the said treasurer of the city of Rochester all interest, liens or titles to any lands acquired by them on any sale for unpaid assessments, and the said treasurer of the city of Rochester is hereby empowered to dispose of the same, or of any interest, liens or titles to any lands that may be acquired by him as the successor in office of the said commissioners of sewerage, by private sale or otherwise, the proceeds thereof, after deducting the expense of the proceedings, to be used for the redemption of the outstanding bonds issued by the said commissioners of sewerage under the provisions of chapter six hundred and three of the laws of eighteen hundred and ninety-two,

as amended by chapter four hundred and thirty-eight of the laws of eighteen hundred and ninety-five, or issued by the said treasurer of the city of Rochester under the provisions of this act.

§ 7. The said treasurer of the city of Rochester shall, annually, on or before the fifteenth day of January in each year, file with the Monroe county court a full and complete statement of all his financial transactions and the disposition of all moneys received by him under and by virtue of the provisions of chapter six hundred and three of the laws of eighteen hundred and ninety-two, as amended by chapter four hundred and thirty-eight of the laws of eighteen hundred and ninety-five, or of this act, which reports shall be verified by the oath of the said treasurer of the city of Rochester, and shall be duly examined and audited by the said county court. Annual report of treasurer.

§ 8. So much of the provisions of chapter six hundred and three of the laws of eighteen hundred and ninety-two, as amended by chapter four hundred and thirty-eight of the laws of eighteen hundred and ninety-five, as are inconsistent with the provisions of this act are hereby repealed. Repeal.

§ 9. This act shall take effect immediately.

Chap. 316.

AN ACT to amend section sixty-three of the code of civil procedure, and forbidding persons not admitted to practice as attorneys and counselors in the courts of record of the state to practice in any court or before any magistrate within The City of New York.

Became a law April 19, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section sixty-three of the code of civil procedure is hereby amended to read as follows: Code amended.

§ 63. A person shall not ask or receive, directly or indirectly, compensation for appearing as attorney in a court or before any magistrate in the city of New York, or make it a business to practice as an attorney in a court or before a magistrate in said city, unless he has been regularly admitted to practice, as an attorney or counsellor, in the courts of record of the state. None but attorneys to practice in city of New York.

§ 2. Section sixty-four of the code of civil procedure is hereby amended to read as follows:

Penalty for violation or suffering violation last section.

§ 64. A person who violates the last section is guilty of a misdemeanor, and shall be punished by imprisonment in the county jail, not exceeding one month, or by a fine of not less than one hundred dollars or more than two hundred and fifty dollars, or by both such fine and imprisonment. A judge, justice or magistrate within the city of New York who knowingly permits to practice in his court, a person who has not been regularly admitted to practice in the courts of record of this state, is guilty of a misdemeanor, and shall be punished as prescribed in this section. But this and the last section do not apply to a case where a person appears in a cause to which he is a party.

§ 3. This act shall take effect June first, eighteen hundred and ninety-eight.

Chap. 317.

AN ACT to amend section ten hundred and twelve of the code of civil procedure relating to the appointment of a referee.

Became a law April 19, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Code amended.

Section 1. Section ten hundred and twelve of the code of civil procedure, is hereby amended so as to read as follows:

Qualification as to appointment of referee.

§ 1012. But a reference shall not be made, of course, upon the consent of the parties, in an action to annul the marriage, or for a divorce or a separation; or an action against a corporation, to obtain a dissolution thereof, the appointment of a receiver of its property, or the distribution of its property, unless it is brought by the attorney-general; or an action wherein a defendant, to be affected by the result of the trial, is an infant. In a case specified in this section, where the parties consent to a reference, the court may, in its discretion, grant or refuse a reference; and, where a reference is granted, the court must designate the referee. If the referee, thus designated, refuses to serve, or if a new trial of an action tried by a referee, so designated, is granted, the court must, upon the application of either party, appoint another referee.

§ 2. This act shall take effect September first, eighteen hundred and ninety-eight.

Chap. 318.

AN ACT to amend sections ten hundred and eighty-one and eleven hundred and twenty-seven of the code of civil procedure, in relation to veterinary surgeons.

Became a law April 19, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision two of section ten hundred and eighty-one and subdivision two of section eleven hundred and twenty-seven of the code of civil procedure are hereby amended so as to read as follows: Code amended.

2. A practicing physician, surgeon or surgeon dentist having patients requiring his daily professional attention, not following any other calling; a licensed pharmacist or pharmacist, while actually engaged in his profession as a means of livelihood; and a duly registered veterinary surgeon actually engaged in his profession as a means of livelihood. Exemptions from jury duty.

2. This act shall take effect immediately.

Chap. 319.

AN ACT to amend the code of civil procedure, relative to the succession to personal property.

Became a law April 19, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision twelve of section twenty-seven hundred and thirty-two of the code of civil procedure is hereby amended so as to read as follows:

2732. Subdivision 12. Representation shall be admitted among collaterals in the same manner as allowed by law in reference to real estate.

§ 2. This act shall take effect September first, eighteen hundred and ninety-eight.

Chap. 320.

AN ACT to amend chapter two hundred and fifteen of the laws of eighteen hundred and forty, entitled "An act to incorporate the Atlantic Dock Company," extending the corporate existence of said company.

Became a law April 19, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section six of chapter two hundred and fifteen of the laws of eighteen hundred and forty, entitled "An act to incorporate the Atlantic Dock Company," is hereby amended so as to read as follows:

§ 6. The corporation hereby created shall continue for twenty-five years from the sixth day of May, eighteen hundred and ninety-eight.

§ 2. This act shall take effect immediately.

Chap. 321.

AN ACT to make the office of sheriff of Oneida county a salaried office, and to regulate the management thereof.

Became a law April 19, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The sheriff of the county of Oneida, next elected or appointed and thereafter to be elected or appointed, shall receive as compensation for all his services which are now or may by law be made a county charge upon the said county of Oneida, an annual salary of twelve hundred dollars; he shall also be entitled to receive and retain to his own use, his fees and perquisites in all civil cases, or proceedings in which the same are to be paid by private persons or corporations other than the county of Oneida; and shall perform the duties in connection therewith without expense to the county of Oneida; he shall also be entitled to be reimbursed for his actual and necessary traveling expenses in the performance of his duties in criminal actions and proceedings, which said disbursements shall be presented in the form of an itemized account and shall be audited and allowed by

Annual
salary of
sheriff.

Fees in
civil cases
and pro-
ceedings.

Reim-
bursement
of ex-
penses.

the board of supervisors the same as other claims against the county are audited and allowed. The salary above provided shall not be increased or diminished during his term of office, and from it he shall pay all such assistants other than those whose salaries are herein specifically provided for, as shall be proper to enable him to conveniently exercise the duties of his office, and in consideration of which he shall do and perform all duties now or which may hereafter be imposed upon him by law, and which are now or may be made a county charge. There shall be one under-sheriff, who shall be appointed by the sheriff and may be removed by him at any time, who shall receive an annual salary of nine hundred dollars. There shall be a jailer at Utica and a jailer at Rome, who shall be appointed by the sheriff and may be removed by him at any time, each of whom shall receive an annual salary of eight hundred dollars. The said jailers so appointed shall also be appointed deputy sheriffs and shall act in that capacity and shall perform the duties in connection therewith. The sheriff shall appoint and may remove at any time at least seven deputies who shall not be residents of the cities of Utica or Rome and not more than one of whom shall be a resident of any of the towns adjoining the city of Utica and no two of whom shall be residents of the same town. The said seven deputies appointed as above provided for shall receive an annual salary, which shall be fixed and apportioned by the sheriff, but which shall not exceed in the aggregate the sum of two thousand dollars in any one year. The sheriff shall also appoint and may remove at any time a clerk or counsel who shall receive an annual salary of nine hundred dollars. The under-sheriff, jailers, deputies and clerk or counsel, appointed as herein provided, shall be paid all necessary traveling expenses incurred by them in the performance of their duties in criminal actions and proceedings; which said disbursements shall be presented in the form of an itemized account and shall be audited and allowed by the board of supervisors the same as other claims against the county are audited and allowed. The sheriff may appoint as many more deputies or assistants as he may deem necessary, all of whom shall serve without any expense to the county.

To pay assistants.

Duties.

Under-sheriff.

Jailers.

Deputies.

Clerk or counsel.

Disbursements of deputies, etc.

Additional deputies, etc.

Official bond of sheriff.

§ 2. The sheriff, before entering upon the duties of his office, shall execute to the people of this state, a bond in the penal sum of fifteen thousand dollars, with three or more sufficient sureties, or a fidelity or surety company authorized by the laws of this

state to transact business therein. Such bond shall be conditioned that said sheriff shall well and faithfully discharge all the duties of his office and all trusts imposed upon him by law or by virtue of his office, and shall safely keep and pay over to the county treasurer all moneys which shall come into his hands belonging to the county of Oneida. Said bond shall be approved as to its form and sufficiency by the county judge of Oneida county, and shall be filed and recorded in the office of the county clerk of said county, as soon as the same shall have been so approved. Said sheriff shall be responsible for the official acts of the under-sheriff, jailer, deputies, clerk or counsel and other assistants appointed by him, and shall require and take a bond from each of them in a good and sufficient amount conditioned for the faithful performance of their respective duties, which shall be approved by him and the county judge, as to its form and sufficiency.

Bond of under-sheriff, deputies, etc.

Certificates of appointments.

§ 3. Such sheriff shall, upon entering upon the duties of said office, file in the office of the county clerk and the office of the county treasurer of Oneida county a certificate under his hand setting forth the name and residence of the persons appointed to the office of under-sheriff, jailer at Utica and Rome, clerk or counsel; and the names and residence of his seven deputies outside the cities of Utica and Rome, together with the annual salary which they are to receive, as apportioned and fixed by him under and by virtue of the provisions of this act. In case of the removal or resignation of any of the above-named officers the sheriff shall file another certificate in the office of the county treasurer and the office of the county clerk, setting forth the name of the officer so removed or resigned and the position which he occupied, and the name and residence of the person appointed to succeed him; and if such officer removed or resigned be one of the deputies outside of the cities of Utica and Rome, said certificate shall state, together with the name and residence of the person so appointed to fill the vacancy, the amount of his annual salary as fixed and apportioned by said sheriff.

Removal and resignation.

Audit and allowance of sheriffs' bills.

§ 4. The board of supervisors of Oneida county shall, at each annual session, audit and allow the bills of the sheriff of said county for the supervision and maintenance of prisoners confined in the jails of said county, whose care and maintenance shall be a county charge, at a sum not to exceed one dollar and seventy-five cents per week for each prisoner. And the said sheriff shall

Report of prisoners confined.

present to said board an itemized bill showing the names of such prisoners, and the actual time each was confined in said jail as a county charge. Care, supervision and maintenance shall include the board, washing, service and every charge of any name, nature or description which can or may legally be made in connection with said prisoners from the time of their confinement in said jails until their discharge. Care, etc., defined.

§ 5. The salary of the sheriff, under-sheriff, jailers, clerk or counsel, and deputy sheriffs outside of the cities of Rome and Utica, provided for in this act, shall be payable quarterly by the county treasurer of said county, and it shall be the duty of the board of supervisors to provide said treasurer with adequate funds to meet the requirements of this act. Quarterly payment of salaries.

§ 6. Nothing in this act shall be construed to prevent the sheriff from appointing as many special deputies as may be actually necessary to preserve order and the peace of the people and protect property in time of riot or other unlawful assemblies, and the cost and expense thereof shall be a charge upon the county of Oneida and shall be audited and allowed to those duly appointed and acting as such special deputies, by the board of supervisors, as other claims against the county are audited and allowed. Special deputies.

§ 7. It shall be the duty of the district attorney of Oneida county to deliver to the sheriff of such county all criminal subpoenas and criminal processes of every name and nature, issued by him or by or under his authority. Duty of district attorney.

§ 8. All acts or parts of acts inconsistent with this act, in so far as the same may relate to Oneida county, are hereby repealed. Repeal.

§ 9. This act shall take effect immediately.

Chap. 322.

AN ACT to amend chapter three hundred and ninety-eight of the laws of eighteen hundred and seventy-six, entitled "An act to provide for the election and compensation of coroners in the county of Rensselaer."

Became a law April 19, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section two of chapter three hundred and ninety-eight of the laws of eighteen hundred and seventy-six, entitled Act amended.

"An act to provide for the election and compensation of coroners in the county of Rensselaer," is hereby amended so as to read as follows:

Residence
of coro-
ners.

§ 2. Two of such coroners shall reside at the time of their election, and shall continue to reside during the term of office for which they shall be elected, in the second assembly district of said county; one of such coroners shall reside at the time of his election, and shall continue to reside during the term of office for which he shall be elected, in the first assembly district of said county; and the other of such coroners shall reside at the time of his election, and shall continue to reside during his term of office, in the third assembly district of said county.

§ 2. Section three of said act is hereby amended so as to read as follows:

Salary of
coroners.

§ 3. The coroners residing in the second assembly district shall receive the annual salary of seven hundred and fifty dollars each, and the coroners residing in the first and third assembly districts, respectively, shall receive the annual salary of three hundred dollars each. Said coroners shall receive no other fees, perquisites, allowances, or emoluments whatever, except such fees as are now allowed by law for the service of process upon the sheriff of the said county, than the salaries above mentioned.

§ 3. This act shall take effect immediately.

Chap. 323.

AN ACT to amend chapter five hundred and five of the laws of eighteen hundred and ninety-seven, entitled "An act to make the office of sheriff of Sullivan county a salaried office in part, and to regulate the management of said office," and to repeal section three of said act.

Became a law April 19, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Act
amended.

1. Sections one and two of chapter five hundred and five of the laws of eighteen hundred and ninety-seven, entitled "An act to make the office of sheriff of Sullivan county a salaried office in part and to regulate the management of said office," are hereby amended to read as follows:

§ 1. The sheriff of the county of Sullivan shall receive as compensation for his services and his expenses an annual salary of fifteen hundred dollars and his fees allowed by law on executions and from the state and the fees allowed to him by law in civil actions and civil proceedings, except calendar fees, which compensation shall not be increased or diminished during his term of office.

Salary and fees of sheriff.

§ 2. It shall be the duty of said sheriff to perform all the services which he is or shall be required or authorized by law to perform by virtue of or by reason of his holding such office, for the state, for the county and for individuals, including his duties as officer of the courts, and summoning jurors for the courts held in said county, and no compensation, payment or allowance shall be made to him for his own use for any such services, or for his expenses, or for the expenses of his under-sheriff or deputy, except the salary and fees aforesaid, provided however that the board of supervisors may allow said sheriff his actual and necessary disbursements incurred by him in serving criminal processes, not exceeding the sum of three hundred dollars in any one year.

Duties to be performed without compensation.

Disbursements in criminal cases.

2. Section three of said act is hereby repealed.

Repeal.

3. This act shall take effect immediately.

Chap. 324.

AN ACT to amend section three of chapter one hundred and sixteen of the laws of eighteen hundred and ninety-seven, entitled "An act to make the office of county clerk of Washington county a salaried office, and regulating the management of said office."

Became a law April 19, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section three of chapter one hundred and sixteen of the laws of eighteen hundred and ninety-seven is hereby amended to read as follows:

Act amended.

§ 3. All the fees, emoluments or perquisites which such clerk shall charge or receive, or which he shall legally be authorized,

Fee to belong to county.

Collection
and pay-
ment of
fees.

entitled or required by law to charge or to receive, shall belong to the county of Washington, except fees collected for state of New York. It shall be his duty to exact, collect and receive the full amount allowed by law of all such fees, emoluments and perquisites for said county, except as hereinafter provided in this section, such clerk shall require payment in advance for recording all papers left with him for record, and shall also, in each case, require payment for all other services rendered by him or his assistants in his or their official capacity by virtue of any law of this state, or by virtue of any order of the board of supervisors of said county or any duty that may hereafter be devolved by law upon him. Said county clerk shall exact, collect and receive for searching and certifying the title to, and incumbrances upon, real property, for each year for which the search is made, for each name and each kind of conveyance, three cents. For recording any instrument which must or may legally be recorded by him, six cents for each folio. But, such clerk shall not charge or receive any fees for services in pension cases, rendered for a pensioner of the United States, or an applicant for a pension.

No fee in
pension
cases.

§ 2. This act shall take effect immediately.

Chap. 325.

AN ACT to prevent the application of poison to fruit trees while in blossom.

Became a law April 19, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Any person who shall spray with, or apply in any way poison or any poisonous substance, to fruit trees while the same are in blossom, is guilty of a misdemeanor, punishable by a fine of not less than ten dollars nor more than fifty dollars.

§ 2. This act shall take effect July first, eighteen hundred and ninety-eight.

Chap. 326.

AN ACT to provide for the appointment of clerks to certain justices of the supreme court in the sixth and seventh judicial districts.

Became a law April 19, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Each of the resident trial justices of the supreme court in the sixth and seventh judicial districts may appoint and at pleasure remove, a confidential clerk to said justice by an instrument in writing under his own hand and to be filed in the office of the secretary of state. Each of said clerks shall receive an annual salary, to be fixed by the justice appointing him, of not to exceed twelve hundred dollars, to be paid by the comptroller of the state in equal quarterly payments, upon the certificate of said justice. Said salaries shall be a charge upon said respective judicial districts.

§ 2. This act shall take effect immediately.

Chap. 327.

AN ACT to amend chapter fifteen of the laws of eighteen hundred and ninety-eight, entitled "An act to provide for the appointment of a canal investigating commission, and making an appropriation therefor," in relation to the report of such commission.

Became a law April 19, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section four of chapter fifteen of the laws of eighteen hundred and ninety-eight, entitled "An act to provide for the appointment of a canal investigating commission, and making an appropriation therefor," is hereby amended to read as follows:

§ 4. The commission shall report to the governor, in writing, the results of its examination with its opinion and the testimony it shall have taken, on or before July first, eighteen hun-

Act amended.

Report of commission.

dred and ninety-eight, but the governor, upon application of the commission, may extend the time of making such report not longer than to August first, eighteen hundred and ninety-eight. Such report shall be open to the inspection of the public, and the governor shall transmit it to the legislature at the opening of its next session, with such recommendations as he deems proper.

§ 2. This act shall take effect immediately.

Chap. 328.

AN ACT to reduce the number of justices of the peace in the town of Harmony, Chautauqua county.

Became a law April 19, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

No justice
to be
elected in
1898.

Section 1. A successor shall not be elected to the justice of the peace elected at the annual town meeting in the year eighteen hundred and ninety-eight in the town of Harmony, Chautauqua county, to fill a vacancy, and whose term expires on the thirty-first day of December, eighteen hundred and ninety-nine; and after the thirty-first day of December, eighteen hundred and ninety-nine, there shall be but five justices of the peace in such town notwithstanding the provisions of any special act heretofore passed providing for additional justices therein.

Reduction
of number.

§ 2. This act shall take effect immediately.

Chap. 329.

AN ACT to authorize the town board of the town of Manlius, in Onondaga county, to change the location of the soldiers' monument in said town.

Became a law April 19, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Change of
location of
monu-
ment.

Section 1. Authority is hereby given to the town board of the town of Manlius, in Onondaga county, to grant permission to the

posts of the Grand Army of the Republic in said town to remove the soldiers' monument from its present location in Fayetteville cemetery to the public park in the village of Fayetteville, at the junction of Genesee and Manlius streets in said village, under such conditions, requirements and restrictions as the said town board may prescribe in and by the resolution authorizing such removal; provided however, that such removal, if authorized, shall be effected without expense to the town of Manlius.

§ 2. This act shall take effect immediately.

Chap. 330.

AN ACT to amend the penal code in relation to stamping or marking articles manufactured of silver.

Became a law April 20, 1898, with the approval of the Governor.

Passed, a majority being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section three hundred and sixty-four-a of the penal code is hereby amended to read as follows:

§ 364a. Offenses against marking, et cetera, words "silver," "sterling silver" or "solid silver."—Any person, firm, corporation or association who makes or sells, or offers to sell or dispose of, or has in his, her or its possession with intent to sell or dispose of, any article of merchandise marked, stamped or branded with the words "sterling" or "sterling silver," or incased or inclosed in any box, package, cover or wrapper, or other thing in, by or with which the said article is packed, inclosed or otherwise prepared for sale or disposition, having thereupon any engraving or printed label, stamp, imprint, mark or trade mark, indicating or denoting by such marking, stamping, branding, engraving or printing that such article is silver, sterling silver, or solid silver, unless nine hundred and twenty-five one-thousandths of the component parts of the metal of which the said article is manufactured is pure silver, is guilty of a misdemeanor.

Sale, etc.,
of article
marked
"sterling"
or "ster-
ling silver."

§ 2. Section three hundred and sixty-four-b of the penal code is amended to read as follows:

Sale, etc.,
of articles
marked
"coin" or
"coin sil-
ver."

§ 364b. Any person, firm, corporation or association who makes or sells, or offers to sell or dispose of, or has in his, her or its possession with intent to sell or dispose of, any article of merchandise marked, stamped or branded with the words "coin" or "coin silver," or incased or inclosed in any box, package, cover or wrapper, or other thing in, by or with which the said article is packed, inclosed or otherwise prepared for sale or disposition, having thereupon any engraving or printed label, stamp, imprint, mark or trade mark, indicating or denoting by such marking, stamping, branding, engraving or printing that such article is coin or coin silver, unless nine hundred one-thousandths part of the component parts of the metal of which the said article is manufactured is pure silver, is guilty of a misdemeanor.

New sec-
tions of
code.

§ 3. The penal code is amended by incorporating therein additional sections between sections three hundred and sixty-four-b and three hundred and sixty-five, to be known as three hundred and sixty-four-c, three hundred and sixty-four-d, three hundred and sixty-four-e, three hundred and sixty-four-f, three hundred and sixty-four-g, and three hundred and sixty-four-h, and to read as follows:

Articles
with com-
ponent
parts
marked
"sterling"
or "ster-
ling sil-
ver."

§ 364c. Any person, firm, corporation or association who makes or sells, or offers to sell or dispose of, or has in his, her or its possession with intent to sell or dispose of, any article of merchandise, whose component parts are made of the same metal soldered together, which article is marked, stamped, or branded with the words "sterling" or "sterling silver" unless all of said component parts shall contain not less than nine hundred and twenty-five one-thousandths parts of pure silver, is guilty of a misdemeanor.

Articles
with com-
ponent
parts
marked
"coin" or
"coin sil-
ver."

§ 364d. Any person, firm, corporation or association who makes or sells, or offers to sell or dispose of, or has in his, her or its possession with intent to sell or dispose of, any article of merchandise, whose component parts are made of the same metal soldered together, which article is marked, stamped, or branded with the words "coin" or "coin silver," unless all of said component parts shall contain not less than nine hundred one-thousandths parts of pure silver, is guilty of a misdemeanor.

Articles
with
mountings
marked
"sterling"
or "ster-
ling sil-
ver."

§ 364e. Any person, firm, corporation or association who makes or sells, or offers to sell or dispose of, or has

in his, her or its possession with intent to sell or dispose of, any article of merchandise comprised of leather, shell, ivory, celluloid, pearl, glass, porcelain, pottery, steel, or wood to which is applied or attached a metal mounting marked, stamped or branded with the words "sterling" or "sterling silver," unless said applied or attached metal mounting shall contain not less than nine hundred and twenty-five one-thousandths parts of pure silver, is guilty of a misdemeanor.

§ 364f. Any person, firm, corporation or association who makes or sells, or offers to sell or dispose of, or has in his, her or its possession with intent to sell or dispose of, any article of merchandise comprised of leather, shell, ivory, celluloid, pearl, glass, porcelain, pottery, steel, or wood to which is applied or attached a metal mounting marked, stamped or branded with the words "coin" or "coin silver," unless said applied or attached metal mounting shall contain not less than nine hundred one-thousandths parts of pure silver, is guilty of a misdemeanor.

Articles with mountings marked "coin" or "coin silver."

§ 364g. Any person, firm, corporation or association who makes or sells, or offers to sell or dispose of, or has in his, her or its possession with intent to sell or dispose of, any article of merchandise comprised of works or movements and a case or covering applied or attached thereto, wholly or partially concealing said works or movements marked, stamped or branded with the words "sterling" or "sterling silver" unless said case or covering shall contain not less than nine hundred and twenty-five one-thousandths parts of pure silver, is guilty of a misdemeanor.

Articles with cases or coverings of works, etc., marked "sterling" or "sterling silver."

§ 364h. Any person, firm, corporation or association who makes or sells, or offers to sell or dispose of, or has in his, her or its possession with intent to sell or dispose of, any article of merchandise comprised of works or movements and a case or covering applied or attached thereto, wholly or partially concealing said works or movements marked, stamped or branded with the words "coin" or "coin silver" unless said case or covering shall contain not less than nine hundred one-thousandths parts of pure silver, is guilty of a misdemeanor.

Articles with cases or coverings of work, etc., marked "coin" or "coin silver."

§ 4. This act shall take effect immediately.

Chap. 331.

AN ACT in relation to violations of the provisions of the penal code, relating to the manufacture or sale of spurious silverware.

Became a law April 20, 1898, with the approval of the Governor.

Passed, a majority being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Magis-
trates to
issue sum-
mons upon
informa-
tion.

Section 1. Upon any information against a person, firm, corporation or association for violation of sections three hundred and sixty-four-a, three hundred and sixty-four-b, three hundred and sixty-four-c, three hundred and sixty-four-d, three hundred and sixty-four-e, three hundred and sixty-four-f, three hundred and sixty-four-g, or three hundred and sixty-four-h, of the penal code, the magistrate must issue a summons in substantially the form prescribed in section six hundred and seventy-six, signed by him, with his name of office, requiring the accused to appear before him at a specified time and place to answer the charge; the time to be not more than twenty days after the issuing of the summons.

Service of
summons.

§ 2. The summons must be served by delivering a copy thereof and showing the original to the defendant; or, if the defendant be a corporation, by delivering a copy thereof and showing the original to the president or other head of the corporation; or, to the secretary, cashier, or managing agent thereof.

Investiga-
tion of
charges.

§ 3. At the time appointed the magistrate must proceed to investigate the charge, in the manner provided by law for the investigation of a charge against any natural person or corporation brought before him, so far as those proceedings are applicable, except as provided by sections four, five, six and seven.

Dismissal
of charges
etc., upon
proof of fil-
ing of bond,
etc.

§ 4. If it shall appear to the magistrate upon the investigation that the defendant has filed a bond as provided in section five, and that the article of merchandise concerning which the charge is brought was not made or altered in any way by the defendant, and that it was acquired by him in good faith as an article of the standard of purity prescribed in sections three hundred and sixty-four-a, three hundred and sixty-four-b, three hundred and sixty-four-c, three hundred and sixty-four-d, three hundred and sixty-four-e, three hundred and sixty-four-f, three hundred and

sixty-four-g, or three hundred and sixty-four-h, of the penal code, and without knowledge or information on the part of the defendant to the contrary, the charge must be dismissed and the defendant discharged, provided the person from whom the defendant acquired the article is within the jurisdiction of the court or has likewise filed a similar bond, which bond is in full force and effect at the time of the sale by said defendant, and provided also the defendant furnish to the magistrate an affidavit stating the name, residence and place of business of the person from whom the article was acquired by the defendant, and the circumstances of its acquisition, together with an undertaking with two sufficient sureties, in a sum to be fixed by the magistrate, conditioned for the appearance of the defendant to testify in any prosecution, action, or proceeding against the person from whom the article was acquired, or in any action or proceeding upon the bond given by such person.

Affidavit and undertaking for appearance.

§ 5. Any manufacturer of silverware, or any wholesale or retail dealer in silverware, upon payment of a fee of fifteen dollars, may file in the office of the secretary of state a bond, executed by himself as principal, and by a fidelity or surety company authorized by the laws of this state to transact business, or by himself as principal and two sufficient sureties, both of whom must be freeholders, and at least one of whom must be a resident of this state and a freeholder therein, which bond shall be approved by a justice of the supreme court, and be subject to the provisions of chapter eight, title six, article fifth, of the code of civil procedure, so far as they are applicable, in the penal sum of five thousand dollars, conditioned for faithful compliance with all the provisions of sections three hundred and sixty-four-a, three hundred and sixty-four-b, three hundred and sixty-four-c, three hundred and sixty-four-d, three hundred and sixty-four-e, three hundred and sixty-four-f, three hundred and sixty-four-g, or three hundred and sixty-four-h of the penal code.

Manufacturers and dealers may file bond for compliance with provisions.

§ 6. Upon satisfactory proof by affidavit to the attorney-general, of a violation of any provision of sections three hundred and sixty-four-a, three hundred and sixty-four-b, three hundred and sixty-four-c, three hundred and sixty-four-d, three hundred and sixty-four-e, three hundred and sixty-four-f, three hundred and sixty-four-g, or three hundred and sixty-four-h, of the penal code, it shall be his duty to declare the bond provided for in the preceding section forfeited, and to forthwith proceed on behalf of

Duty of attorney-general upon proof of violation.

Proceedings, when may be discontinued.

the people of the state of New York to recover, as liquidated damages, the whole of the sum specified therein from the parties thereto, against whom judgment for the entire amount must be rendered upon proof duly made of a violation by the principal of any provision of the said sections of the penal code, unless the principal shall already have been convicted in a criminal prosecution for the same violation. If, however, at any time before the recovery of judgment upon such forfeiture, the principal shall appear before the magistrate who issued such warrant or summons, so that the charge against him may be duly examined and proceeded with criminally, any proceedings before the attorney-general shall be discontinued, and if the bond shall have been meanwhile forfeited, such forfeiture shall be rescinded by the attorney-general, and any subsequent action thereon thereby rendered null and inoperative.

Proof of recovery on bond may be pleaded in bar, etc.

§ 7. Proof of the actual recovery by the people of the state of the whole amount named in a bond given pursuant to the provisions of section five, may be pleaded in bar of any subsequent criminal prosecution for the same violation for which the recovery upon the bond was had.

§ 8. This act shall take effect immediately.

Chap. 332.

AN ACT to further amend chapter seven hundred and fifty-three of the laws of eighteen hundred and fifty-seven, entitled "An act to incorporate the International Bridge Company," and chapter five hundred and fifty of the laws of eighteen hundred and sixty-nine, being an act to amend the same and to authorize the consolidation of said company with any bridge company incorporated by the laws of Canada, and conferring certain additional powers upon such consolidated company.

Became a law April 20, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Charter amended.

Section 1. Section one of chapter seven hundred and fifty-three of the laws of eighteen hundred and fifty-seven is hereby amended so as to read as follows:

§ 1. All persons who shall become stockholders pursuant to this act, shall be and they are hereby incorporated a body corporate, by the name of the International Bridge Company, with power to associate with any other persons, company, association or corporation in Canada, for the construction, maintaining, altering, renewing and managing a bridge across the Niagara river, from the city of Buffalo to some point near Fort Erie, in Canada, so as not materially to impede the navigation of said river; said bridge to be constructed with two draws, one across Black Rock harbor and the other across the main channel of the river.

Corporate
name and
powers.

§ 2. Section seven of said act is hereby amended so as to read as follows:

§ 7. Any steam railroad corporation whose road now has, or shall hereafter have a terminus at, or shall run its trains to or from said city of Buffalo, or any point near Fort Erie aforesaid, or shall run its trains in connection with any road having such terminus, or upon which trains are or shall be run to or from said city of Buffalo, aforesaid, or any point near Fort Erie aforesaid, may with the consent of the persons owning a majority of its stock, loan its credit to the corporation hereby created, or may subscribe to and become the owner of the stock thereof, in like manner and with like rights as individuals.

Railroad
corporations may
loan credit,
etc., to
corporation.

§ 3. Section sixteen of said act is hereby amended so as to read as follows:

§ 16. Whenever the said bridge shall be completed for the passage of foot passengers, ordinary teams and carriages, or cars or other vehicles, the said company may erect toll-gates, fix rates of toll and make such erection as the directors may deem expedient to guard the entrance on said bridge; but no greater tolls than the following shall be charged, viz: For every foot passenger entering upon or passing over said bridge, twenty-five cents; for every horse and rider, fifty cents; for every horse and single carriage, sixty cents, and an addition of eighteen and three-fourths cents for every passenger actually traveling in such carriage; all other passengers the sum of twenty-five cents each; for each double carriage and two horses, one dollar, and the same rates for passengers, and twenty-five cents for each additional horse attached to such carriage; for sheep passing, one and one-half cents per head; for swine, two cents each; for neat cattle, six cents per head; for each horse in droves or in cars, twelve and a half cents.

Rates of
toll.

§ 4. Section eleven of chapter five hundred and fifty of the laws of eighteen hundred and sixty-nine, is hereby amended so as to read as follows:

May
borrow
money and
mortgage
property.

§ 11. The said new corporation shall have power from time to time to borrow such sums of money as may be necessary for constructing and completing, altering or renewing its bridge and for the acquiring of the necessary real estate for the site thereof and approaches thereto and for all other purposes of its incorporation; and to mortgage its corporate property and franchises to secure the payment of any debt which shall be contracted by such corporation for the purposes aforesaid.

Increase of
capital.

§ 5. It shall be lawful for the International Bridge Company, a consolidated corporation incorporated pursuant to chapter five hundred and fifty of the laws of eighteen hundred and sixty-nine of the state of New York, to increase its capital stock to the sum of two million five hundred thousand dollars.

§ 6. This act shall take effect immediately.

Chap. 333.

AN ACT to amend the banking law, in relation to verification of reports.

Became a law April 20, 1898, with the approval of the Governor.

Passed, a majority being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section twenty of the banking law is hereby amended so as to read as follows:

§ 20. **Reports.** Every corporation and individual banker subject to the provisions of this chapter shall make a written report to the superintendent of banks, in such form and containing such matters as he shall prescribe. In the case of a bank or individual banker, the superintendent shall, at least once in every three months, designate some day therein in respect to which the report shall be made. If a savings bank, trust company or safe deposit company, such report shall be made semi-annually on or before the twentieth day of January and July in each year, and shall contain a statement of its condition on the mornings of the first days of January and July preceding. If a savings bank, such report shall state the amount loaned upon bond and mortgage, together with a list of such bonds and mortgages and the

location of the mortgaged premises, as have not been previously reported, and also a list of such previously reported as have been since paid wholly or in part, or have been foreclosed, and the amount of such payments respectively; the cost, par value and estimated market value of all stock investments, designating each particular kind of stock; the amount loaned upon the pledge of securities, with a statement of the securities held as collateral for such loans; the amount invested in real estate, giving the cost of the same, the amount of cash on hand and on deposit in banks or trust companies, and the amount deposited in each; and such other information as the superintendent may require. Such report shall also state all the liabilities of such savings corporation on the morning of the said first day of January and July; the amount due to depositors, which shall include any dividend to be credited to them for the six months ending on that day, and any other debts or claims against such corporation which are or may be a charge upon its assets. Such report shall also state the amount deposited during the year previous, and the amount withdrawn during the same period; the whole amount of interest or profits received or earned and the amount of dividends credited to depositors, together with the amount of each semi-annual credit of interest, and the amount of interest that may have been credited at other than semi-annual periods, the number of accounts opened or reopened, the number closed during the year, and the number of open accounts at the end of the year, and such other information as may be required by the superintendent. If a trust company or safe deposit company, such report shall contain such particulars as the superintendent may prescribe. If a co-operative loan association, or a building and mutual loan corporation, or a mortgage, loan or investment corporation, such report shall be made annually on or before February first in each year, and shall contain a statement of its condition on the first day of January preceding. The superintendent may, for good cause shown, extend the time for making any such report not exceeding thirty days. Every such report shall be verified by the oath of the president and cashier or treasurer of such corporation or by such individual banker, to the effect that the same is true and correct in all respects to the best of his knowledge and belief and that the usual business of such corporation or banker has been transacted at the location required by this chapter, and not elsewhere. The superintendent

shall serve a notice designating the day in each quarter when a report shall be made upon each bank and individual banker required to report to him by delivering the same to some officer or clerk thereof at their respective places of business or by depositing the same in the post-office inclosed in a postpaid wrapper and properly directed to each of them, or some officer thereof, at their places of business respectively.

§ 2. This act shall take effect immediately.

Chap. 334.

AN ACT to amend the county law, in relation to the number of coroners in the counties of the state.

Became a law April 20, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

County law
amended.

Section 1. Subdivision one of section one hundred and eighty of the county law is hereby amended so as to read as follows:

§ 180. There shall continue,

Sheriff and
coroners.

1. To be elected in each of the counties a sheriff, and in each of the counties containing a population of one hundred thousand and over four coroners, and in all other counties such number of coroners, not more than four, as shall be fixed by the board of supervisors, who shall respectively hold their offices for three years from and including the first day of January succeeding their election.

When takes
effect.

§ 2. This act shall take effect September first, eighteen hundred and ninety-eight.

Chap. 335.

AN ACT to amend chapter nine hundred and nine of the laws of eighteen hundred and ninety-six, entitled "An act in relation to the elections, constituting chapter six of the general laws," and the several acts amendatory thereof.

Became a law April 20, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section three of chapter nine hundred and nine of the laws of eighteen hundred and ninety-six, entitled "An act in

relation to the elections, constituting chapter six of the general laws," is hereby amended to read as follows:

§ 3. Time of opening and closing polls. The polls of every general election, and, unless otherwise provided by law, of every other election shall be open at six o'clock in the forenoon and shall close at five o'clock in the afternoon. There shall be no adjournment or intermission until the polls are closed. The closing of the polls shall be deemed to mean the close of the delivery of official ballots to electors, and the electors entitled to vote who have lawfully begun the act of voting before the time fixed for the close of the polls, shall be allowed to complete the act.

§ 2. Section eleven of said act as amended by section one of chapter four hundred and ten of the laws of eighteen hundred and ninety-seven, is hereby amended to read as follows:

§ 11. Election officers; designation, number and qualifications. There shall be in every election district of this state the following election officers, namely, four inspectors, two poll clerks and two ballot clerks, whose term of office shall be for one year from the date of their appointment or election, and who shall serve at every general, special or other election held within their districts during such term. No person shall be appointed or elected an inspector of election, poll clerk or ballot clerk who is not a qualified elector of the city, or of the election district of the town in which he is to serve, of good character, able to speak and read the English language understandingly, and to write it legibly, or who is a candidate for any office to be voted for by the electors of the district in which he is to serve, other than that of inspector of election; or, who has been convicted of a felony and not restored to citizenship, or who holds any public office except notary public or commissioner of deeds, town or village assessor, justice of the peace, village trustee, water commissioner, officer of a school district, overseer of highways, whether elected or appointed, or who is employed in any public office or by any public officer whose services are paid for out of the public moneys other than is excepted herein. Each class of such officers shall be equally divided between the two political parties, which, at the last preceding election for governor, polled the highest and next highest number of votes for such office in the state.

§ 3. Section thirteen of said act is hereby amended to read as follows:

§ 13. **Election officers in towns.** Inspectors of election in towns shall be elected and appointed as provided by the town law. At the first meeting of the inspectors of election in every district in which the law provides for the election of inspectors, the inspectors elected shall appoint one of the poll clerks and one of the ballot clerks, and the inspectors appointed shall appoint the other poll clerk and ballot clerk. Such appointments shall be in writing, signed by the inspectors making the appointments respectively, and shall be filed by them with the town clerk of the town in which such election district is situated, and a copy thereof with the post-office address of each person so appointed shall be mailed to the clerk of the county. The poll clerks and ballot clerks so appointed shall hold their office during the term of office of the inspectors appointing them, except as hereafter provided. The persons so appointed as poll clerks and ballot clerks shall be voters in the district in which they are appointed to serve, and shall possess the qualifications required of such officers by section eleven of this act. If at any time of any election at which poll clerks and ballot clerks are required to be present at the polling place in any election district, the office of a poll clerk or of a ballot clerk of such district shall be vacant, or a poll clerk or ballot clerk shall be absent, the inspectors of election in such district shall forthwith appoint a person to fill such vacancy. Such person so appointed shall, before he acts as such poll clerk or ballot clerk, take the constitutional and statutory oaths of office.

§ 4. Section thirty of said act is hereby amended to read as follows:

§ 30. **Meetings for registration.** Before every general election, the board of inspectors for each election district in every city, and in villages having five thousand inhabitants or more, shall hold four meetings for the enrollment of the voters thereof, at the place designated therefor, on the fourth Friday, fourth Saturday and the third Friday and third Saturday before such election, to be known respectively as the first, second, third and fourth meetings for registration. Each meeting, if in cities of the first class, shall begin at seven o'clock, if elsewhere, at eight o'clock in the forenoon, and continue, if in cities of the first class, until ten o'clock, if elsewhere, until nine o'clock in the evening. In all election districts other than in cities or villages having five thousand inhabitants or more, the board of inspectors of election for each such election district shall hold two meetings for the registration

of electors thereof, at the places designated therefor, before each general election, namely, on the fourth and third Saturday before the election, to be known respectively as the first and second meetings for registration, which meetings shall begin at nine o'clock in the forenoon and continue until nine o'clock in the evening. The board of inspectors of election shall also, if ordered so to do by the supreme court, or a justice thereof, or a county judge, as provided in section thirty-one of the election law, meet on the second Saturday before each general election for the purpose of correcting the registers by adding to or striking off the name of any person as directed by such order. It shall be the duty of each inspector of election to make a note on the registers opposite the name of each person so enrolled, or so stricken off, of the date of such order, and the court, justice or judge issuing the same. If any special or other election other than a general election shall be ordered or held in any city or village, the inspectors of election of the various election districts in which such special or other election is to be held, shall meet in their respective districts at the place designated therefor, on the second Saturday preceding such election, from eight o'clock in the forenoon to ten o'clock in the evening for the purpose of revising and correcting the register of electors as hereinafter provided. No inspector shall on any day for registration be absent during the hours fixed for enrolling the names of electors.

§ 5. Section fifty-six of said act is hereby amended to read as follows:

§ 56. Party nominations; choice of emblems for ballot. Nominations made as provided by this section shall be known as party nominations, and the certificate by which such nominations are certified shall be known as a party certificate of nomination. Party nominations of candidates for public office can only be made by a convention, or by a duly authorized committee of such convention of a political party which at the last preceding general election before the holding of such convention at which a governor was elected, cast ten thousand votes in the state for such officer; provided, however, that party nominations of candidates for public office to be voted for only in a town, or ward of a city, or a village or subdivision thereof, can only be made by a convention or primary or by a duly authorized committee of such convention or primary of a political party, which, at the last preceding general election before the holding of such convention

or primary at which a governor was elected cast ten thousand votes in the state for such office. The party certificate whereby such party nominations are certified shall contain the title of the office for which each person is nominated, the name and residence of each such person, and, if in a city, the street number of the residence of each such candidate and his place of business, if any. It shall also designate, in not more than five words, the name of the political party which the convention, primary or committee making such nomination represents. It shall be signed by the presiding officer and a secretary of such convention or primary, or, if made by a committee, by a majority of the members thereof, who shall add to their signatures their respective places of residence, and shall make oath before an officer qualified to take affidavits that the affiants were such officers of such convention or primary, or that they are members and constitute a majority of such committee, and that such certificates and the statements therein contained are true to the best of their information and belief. A certificate that such oath has been administered shall be made and signed by the officer before whom the same was taken, and attached to such certificate of nomination. When the nomination is made by a committee, the certificate of nomination shall also contain a copy of the resolution passed at the convention or primary which authorized such committee to make such nomination. A certificate of nomination filed pursuant to this section may upon its face appoint a committee of one or more persons for the purposes specified in section sixty-six of this act. When a party nomination is made by a state convention of a candidate or candidates to be voted for by the electors of the entire state, it shall be the duty of such convention to select some simple device or emblem to designate and distinguish the candidates of the political party making such nominations or nomination. Such device or emblem shall be shown by a representation thereof upon a certificate signed and duly executed by the presiding officer and a secretary of said convention, which certificate shall be filed with the secretary of state, and such device or emblem, when so filed, shall in no case be used by any other party or independent body. When any independent body shall make a like nomination, as provided by the fifty-seventh section of this act, it shall be the duty of the persons who shall sign and execute the certificate of nomination of such candidate or candidates, to likewise select some simple device or emblem to designate and distinguish

the candidate of such independent body making such nomination, and such device or emblem shall be shown by the representation thereof upon a certificate signed and duly executed by the proper parties authorized for that purpose. The device or emblem so chosen, when filed as aforesaid, shall be used to designate and distinguish all the candidates of the same political party or independent body, nominated by such political party or independent body, or duly authorized committee, or primary thereof, in all districts of the state. The device or emblem chosen, as aforesaid, may be the representation of a star, an animal, an anchor or any other appropriate symbol, but neither the coat of arms nor seal of any state, nor of the United States, the national flag, nor any religious emblem or symbol, nor the portrait of any person, nor a representation of a coin or of the currency of the United States shall be chosen as such distinguishing device or emblem. If the certificate of nomination of two or more different political parties or independent bodies shall designate the same, or substantially the same, device or emblem or party name, the officer with whom the certificates of nominations are filed shall decide which of said political parties or independent bodies is entitled to the use of such device, or emblem, or party name, being governed as far as may be, in his decision by priority of designation in the case of the device or emblem, and of use in the case of the party name. If the other nominating body shall present no other device or party name after such decision, such officer shall himself select for such other nominating body another device or party name, so that no two different parties shall be designated by the same device or party name. If there be a division within a party, and two or more factions claim the same, or substantially the same device or name, the officer aforesaid shall decide between such conflicting claims, giving preference of device and name to the convention or primary, or committee thereof, recognized by the regularly constituted party authorities. Any questions arising with reference to any device, or to the political party or other name designated in any certificate of nomination filed pursuant to the provisions of this section, or of section fifty-seven of this article, or with reference to the construction, validity or legality of any such certificate, shall be determined in the first instance by the officer with whom such certificate of nomination is filed. Such decision shall be in writing, and a copy thereof shall be sent forthwith by mail by such officer

to the committee, if any, named upon the face of such certificate, and also to each candidate nominated by any certificate of nomination affected by such decision. The supreme court, or any justice thereof, within the judicial district, or any county judge within his county, shall have summary jurisdiction upon complaint of any citizen, to review the determination and acts of such officer, and to make such order in the premises as justice may require, but the final order must be made on or before the last day fixed for filing certificates of nominations to fill vacancies with such officer as provided in subdivision one of section sixty-six of this article. Such a complaint shall be heard upon such notice to such officer as the said court or justice or judge thereof shall direct. If any certificate of nomination of candidates to be voted for by the electors of the entire state, filed with the secretary of state, pursuant to the provisions of this act, shall omit to designate a device or emblem to distinguish the candidates of the political party or independent body making such nomination, it shall be the duty of the secretary of state to select a device or emblem for that purpose, and such device or emblem so chosen shall be used to distinguish all candidates of that party or independent body throughout the state, whether such candidates are nominated for state, or for local offices; and if any certificate of nomination of candidates to be filled by the electors of a district less than the entire state shall be filed with the secretary of state, or with any other public officer pursuant to this article, by a political party or independent body which has made no nomination of candidates for offices to be filled by the electors of the entire state, and such certificate of nomination shall omit to designate a device or emblem to distinguish the candidates nominated in such certificate, it shall be the duty of the secretary of state or other public officer with whom such certificate of nomination is filed, to select a device or emblem to represent the candidates named in such certificate of nomination.

§ 6. Section one hundred and five of the said act is hereby amended to read as follows:

§ 105. Preparation of ballots by electors. On receiving his ballot, the elector shall forthwith, and without leaving the inclosed space, retire alone, unless he be one that is entitled to assistance in the preparation of his ballot to one of the voting booths, and without undue delay, unfold and mark his ballot as hereafter prescribed. No elector shall be allowed to occupy

a booth already occupied by another, or to occupy a booth more than five minutes in case all the booths are in use and electors waiting to occupy the same. It shall not be lawful to make any mark upon the official ballot other than the cross X mark made for the purpose of voting, with a pencil having black lead, and that only in the circles or in the voting spaces to the left of the names of candidates, or to write anything thereon other than the name or names of persons not printed upon the ballot for whom the elector desires to vote in the blank column under the proper title of the office with a pencil having black lead; nor shall it be lawful to deface or tear a ballot in any manner, nor to erase any printed device, figure, letter or word therefrom, nor to erase any name or mark written thereon by such elector. If an elector deface or tear a ballot or one of a set of ballots, or wrongly marks the same, he may successively obtain others, one set at a time, not exceeding in all three sets, upon returning each set of ballots so defaced or wrongly marked to the ballot clerks. The elector should observe the following rules in marking his ballot:

Rule 1. If the elector desires to vote a straight ticket, that is, for each and every candidate of one party for whatever office nominated, he should mark a cross X mark in the circle above the name of the party at the head of the ticket.

Rule 2. If the elector desires to vote a split ticket, that is, for candidates of different parties, he should not make a cross X mark in the circle above the name of any party, but should make a cross X mark in the voting space before the name of each candidate for whom he desires to vote on whatever ticket he may be.

Rule 3. If the ticket marked in the circle for a straight ticket does not contain the names of candidates for all offices for which the elector may vote, he may vote for candidates for such offices so omitted by making a cross X mark before the names of candidates for such offices on other tickets, or by writing the names, if they are not printed upon the ballot, in the blank column under the title of the office.

Rule 4. If the elector desires to vote for any person whose name does not appear upon the ballot, he can so vote by writing the name with a pencil having black lead in the proper place in the blank column.

Rule 5. The elector can vote blank for any office by omitting to make a cross X mark in any circle, and making a cross X

mark in the voting space before the name of every candidate he desires to vote for, except for the office for which he desires to cast a blank vote.

Rule 6. In the case of a question submitted, the elector shall make a cross X mark in the blank square space on the right of and after the answer "yes" or "no" which he desires to give on each such question submitted.

Rule 7. One straight line crossing another straight line at any angle within a circle, or within the voting spaces, shall be deemed a valid voting mark.

§ 7. Section one hundred and ten of the said act is hereby amended to read as follows:

§ 10. **Canvass of votes; subdivision one; preparation for canvass.** As soon as the polls of an election are closed, the inspectors of election thereat shall publicly canvass and ascertain the votes, and not adjourn or postpone the canvass until it shall be fully completed. Any election officer who shall sign any original statement of canvass, or certified copies thereof, at any place other than the polling-place, or at any time other than immediately after the canvass is completed, and any election officer or person who shall take from the polling-place any such statement before it shall have been signed as herein provided, is guilty of a felony, and shall be punished, upon conviction thereof, by imprisonment in a state prison for not less than two nor more than five years. The room, in which such canvass is made shall be clearly lighted, and such canvass shall be made in plain view of the public. It shall not be lawful for any person or persons, during the canvass, to close or cause to be closed, the main entrance to the room in which such canvass is conducted in such manner as to prevent ingress or egress thereby. When two ballot boxes are provided for the reception respectively of voted general ballots and question submitted ballots, the said ballot boxes shall be opened and the ballots therein canvassed in the following order, namely: First, the box containing the general ballots; secondly, the box containing the ballots cast upon any constitutional amendment or other proposition or question. The board of inspectors shall commence the canvass by comparing the two poll books with the registers used on election day as to the number of electors voting at the election, correcting any mistakes therein, and by counting the ballots found in the ballot-boxes without unfolding them, except so far as to ascertain

that each ballot is single, and by comparing the number of ballots found in each box with the number shown by the poll books and the ballot clerks' statement to have been deposited therein. If the ballots found in any box shall be more than the number of ballots so shown to have been deposited therein, such ballots shall all be replaced without being unfolded in the box from which they were taken, and shall be thoroughly mingled therein, and one of the inspectors, designated by the board, shall, without seeing the same, and with his back to the box, publicly draw out as many ballots as shall be equal to such excess, and without unfolding them, forthwith destroy them. If two or more ballots shall be found in the ballot box so folded together as to present the appearance of a single ballot, they shall be destroyed if the whole number of ballots in such ballot box exceeds the whole number of ballots shown by the poll books, and ballot clerks' statement, to have been deposited therein, and not otherwise. If there lawfully be more than one ballot box for the reception of ballots voted at the polling-place, no ballot properly indorsed, found in the wrong ballot box, shall be rejected, but shall be placed in its proper box by the inspectors upon the count of the ballots before the canvass, and counted in the same manner as if found in the proper ballot box, if such ballot shall not, together with the ballots found in the proper ballot box, make a total of more ballots than are shown by the poll books and ballot clerks' statement, to have been deposited in the proper box. No ballot that has not the official indorsement shall be counted, except such as are voted in accordance with the provisions of the election law relating to unofficial ballots. The chairman only of the board of inspectors shall unfold the ballots taken from the ballot box.

Subdivision 2. Intent of electors:

Rule No. 1. If the elector shall have made a voting mark in the circle above one ticket only, and no other voting mark appears on other ticket or tickets, and if no name shall have been written in the blank column, he shall be deemed to have cast his vote for all the candidates on the ticket so marked in the circle.

Rule No. 2. If the elector shall have made a voting mark in the circle above one ticket only, and shall have also made a voting mark or marks in the voting space or spaces before the name or names of a candidate or candidates, only on the ticket so marked in the cir-

cle, the voting marks in the spaces before the names of candidates on such ticket shall be treated as surplusage, and his vote shall be deemed to have been cast for all the candidates on the ticket so marked in the circle.

Rule No. 3. If the elector shall have made a voting mark in the circle above one ticket only, and shall have also made a voting mark in the voting space or spaces before the name or names of a candidate or candidates on one or more other tickets, he shall be deemed to have cast his vote for all the candidates on the ticket so marked in the circle, except for those for whom he has indicated his intention not to vote, by making a voting mark in the voting space before the name or names of individual candidates, on one or more other tickets, or by writing a name in the blank column; and the candidate or candidates so individually voted for on such other ticket or tickets shall be deemed to be the voter's choice for such office or offices; provided, however, that:

Rule No. 4. When two or more persons are to be voted for for the same office, as two or more justices of the supreme court or presidential electors, and the names of the several candidates therefor are printed under the title of the office for which all are running, and the elector shall have made a voting mark in the circle at the head of a ticket, and shall also have made a voting mark in the voting space before the name of one or more of a group of candidates for such office on other tickets, providing that he shall not have marked the names of two or more of such candidates upon the same line upon the ballot, he shall be deemed to have cast his vote for all the candidates for such office so individually marked and for those marked in the circle, except for those candidates under such circle so marked whose names are upon the same line on the ballot as the names of the candidates so individually marked, or written in the blank column, unless in addition to making the voting mark in the circle at the head of the ticket he shall also have made a voting mark before each one of the group of candidates for such office for whom he desires to vote on the ticket so marked in the circle; provided further, however, that:

Rule No. 5. When two or more persons are to be voted for for the same office, as two or more justices of the supreme court or presidential electors, and the names of the several candidates therefor are printed on any ticket under the title of the office for which all are running, and the electors shall have made a voting mark in the circle at the head of the ticket, and shall also have

made a voting mark in the voting space before the name of more than one of the group of candidates for such office printed on the same line on the ballot on other tickets, or by writing the name or names of a candidate or candidates in the blank column, he must also indicate by voting marks in the voting spaces on the ticket so marked in the circle the individual candidates of the group of candidates on such ticket for whom he desires to vote, or his vote shall only be counted for the candidates for such office which are so individually marked on other tickets, or written in the blank column.

Rule No. 6. If the elector shall have made a voting mark in more than one circle at the head of the tickets, and if on either of such tickets there shall be one or more candidates for office for which no other candidate or candidates is or are named on such other ticket or tickets so marked in the circle his vote shall be counted for such candidate or candidates.

Rule No. 7. Subject to the foregoing rules if the elector marks more names than there are persons to be elected to an office, or if for any other reason, it is impossible to determine the elector's choice of a candidate for an office to be filled, his vote shall not be counted for such office but shall be returned as a blank vote for such office.

Rule No. 8. In the case of a question submitted, if the elector shall have made a voting mark in the voting space after the printed word "Yes," his vote shall be deemed to be in favor of the adoption of the question submitted; if he shall have made a voting mark in the voting space following the printed word "No" his vote shall be deemed to be against the adoption of the question submitted.

Rule No. 9. A void ballot is a ballot upon which there shall be found any mark other than the cross X mark made for the purpose of voting, which voting mark must be made with a pencil having black lead, only in the circles, or in the voting spaces to the left of the names of candidates; or one upon which anything is written other than the name or names of persons not printed upon the ballot, for whom the elector desires to vote, which must be written in the blank column under the proper title of the office with a pencil having black lead; or one which is defaced or torn by the elector; or upon which there shall be found any erasure of any printed device, figure, letter or word, or of any name or mark written thereon, by such elector, and upon such ballot no vote for any candidate thereon shall be counted.

Subdivision 3. Method of counting. The method of counting shall be as follows: The straight ballots, that is, the ballots on which all the candidates on one party ticket and no others are voted for shall be separated from the split ballots and counted, and the number of straight party votes for each candidate shall be entered in gross opposite his name on each tally sheet by the poll clerk keeping the same. The chairman of the board shall then take the split ballots separately, and announce the vote for each candidate on each such ballot, in the order of the offices printed thereon, and each poll clerk shall make an accurate tally of the same. As the votes on each split ballot are counted, such ballot shall be passed to the other inspectors for verification. The poll clerks shall then add together all the votes for each candidate and the ballots wholly blank and void, together with the ballots on which no votes were counted for any candidate for such office, and shall enter the sum thereof in the proper column on the tally sheet. As soon as the count is completed for each office, the poll clerks shall submit the result to the inspectors for examination, and if found to be correct, the chairman shall at once announce the result. When a ballot is not void and an inspector of election or other election officer or duly authorized watcher shall, during the canvass of the vote, declare his belief that any particular ballot has been written upon or marked in any way for the purpose of identification, the inspectors shall write on the back of such ballot the words "objected to because marked for identification" and shall specify over their signatures upon the back thereof the mark or marking upon such ballot to which objection is made. The votes upon each such ballot shall be counted by them, as if not so objected to. If requested by any watcher the inspectors shall, during the canvass, exhibit any and all ballots cast at such election or town meeting to such watcher, fully opened, and in such a condition that he may fully and carefully read and examine the same, but such inspector shall not allow any such ballot to be taken from his hand. Any person who shall place upon any ballot taken from the ballot box any mark or marking, or who shall tear or deface such ballot with the intent of causing such ballot to be rejected as void, shall be guilty of a felony, and shall be punished upon conviction therefor by imprisonment in a state prison for a period not less than five nor more than ten years. In cities of the first class the chairman of the board of inspectors shall, forthwith upon the com-

pletion of the count of votes, and the announcement thereof, deliver to the police officer on duty at such place of canvass a statement subscribed by the board of inspectors, stating the number of votes received by each candidate for office. Such statement shall forthwith be conveyed by the said officer to the station-house of the police precinct in which such place of canvass is located, and he shall deliver the same inviolate to the officer in command thereof, who shall immediately transmit by telegraph, telephone or messenger, the contents of such statement to the officer commanding the police department of such city. Such statement shall be preserved for six months by the police, and shall be presumptive evidence of the result of such canvass for each such office.

§ 8. This act shall take effect immediately.

Chap. 336.

AN ACT to amend chapter six hundred and twelve of the laws of eighteen hundred and ninety-seven, entitled "An act in relation to negotiable instruments, constituting chapter fifty of the general laws," in relation to the correction of manifest errors therein.

Became a law April 20, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The first article in the schedule of articles to the negotiable instruments law is hereby amended to read as follows:

I. General provisions (§§ 1-7).

§ 2. Section thirty in the schedule of sections to article two of such law is hereby amended to read as follows:

30. Date, presumption as to.

§ 3. The head note to section thirty of such law is hereby amended to read as follows: Date, presumption as to.

§ 4. Section thirty-three of such law is hereby amended to read as follows:

§ 33. Blanks; when may be filled. Where the instrument is wanting in any material particular, the person in possession thereof has a prima facie authority to complete it by filling up the blanks therein. And a signature on a blank paper delivered by

the person making the signature in order that the paper may be converted into a negotiable instrument operates as a prima facie authority to fill it up as such for any amount. In order, however, that any such instrument, when completed, may be enforced against any person who became a party thereto prior to its completion, it must be filled up strictly in accordance with the authority given and within a reasonable time. But if any such instrument, after completion, is negotiated to a holder in due course, it is valid and effectual for all purposes in his hands, and he may enforce it as if it had been filled up strictly in accordance with the authority given and within a reasonable time.

§ 5. The head note to section fifty-three of such law is hereby amended to read as follows: When lien on instrument constitutes holder for value.

§ 6. Section sixty-seven in the schedule of sections to article four of such law is hereby amended to read as follows:

67. Effect of restrictive indorsement; rights of indorsee.

§ 7. The head note to section sixty-seven of such law is hereby amended to read as follows: Effect of restrictive indorsement; rights of indorsee.

§ 8. Section sixty-eight of such law is hereby amended to read as follows:

§ 68. Qualified indorsement. A qualified indorsement constitutes the indorser a mere assignor of the title to the instrument. It may be made by adding to the indorser's signature the words "without recourse" or any words of similar import. Such an indorsement does not impair the negotiable character of the instrument.

§ 9. The head note to section eighty of such law is hereby amended to read as follows: When prior party may negotiate instrument.

§ 10. Section one hundred and nineteen of such law is hereby amended to read as follows:

§ 119. Liability of agent or broker. Where a broker or other agent negotiates an instrument without indorsement, he incurs all the liabilities prescribed by section one hundred and fifteen of this act, unless he discloses the name of his principal, and the fact that he is acting only as agent.

§ 11. Section one hundred and thirty of such law is hereby amended to read as follows:

§ 130. Effect of want of demand on principal debtor. Presentment for payment is not necessary in order to charge the person primarily liable on the instrument; but if the instrument is, by its terms, payable at a special place, and he is able and willing to pay it there at maturity and has funds there available for that purpose such ability and willingness are equivalent to a tender of payment upon his part. But except as herein otherwise provided, presentment for payment is necessary in order to charge the drawer and indorsers.

§ 12. Section one hundred and thirty-three of such law is hereby amended to read as follows:

§ 133. Place of presentment. Presentment for payment is made at the proper place:

1. Where a place of payment is specified in the instrument and it is there presented;

2. Where no place of payment is specified, but the address of the person to make payment is given in the instrument and it is there presented;

3. Where no place of payment is specified and no address is given and the instrument is presented at the usual place of business or residence of the person to make payment;

4. In any other case if presented to the person to make payment wherever he can be found, or if presented at his last known place of business or residence.

§ 13. Section one hundred and forty-five of such law is hereby amended to read as follows:

§ 145. Time of maturity. Every negotiable instrument is payable at the time fixed therein without grace. When the day of maturity falls upon Sunday, or a holiday, the instrument is payable on the next succeeding business day. Instruments falling due or becoming payable on Saturday are to be presented for payment on the next succeeding business day, except that instruments payable on demand may, at the option of the holder be presented for payment before twelve o'clock noon on Saturday when that entire day is not a holiday.

§ 14. Section two hundred and two in the schedule of sections to article nine of such law is hereby amended to read as follows:

202. Right of party who discharges instrument.

§ 15. Section two hundred and fourteen of such law is hereby amended to read as follows:

§ 214. When bill may be treated as promissory note. Where in a bill the drawer and drawee are the same person, or where the drawee is a fictitious person, or a person not having capacity to contract, the holder may treat the instrument, at his option, either as a bill of exchange or a promissory note.

§ 16. The head note to section two hundred and twenty-eight of such law is hereby amended to read as follows: What constitutes a general acceptance.

§ 17. Section two hundred and forty-three of such law is hereby amended to read as follows:

§ 243. On what days presentment may be made. A bill may be presented for acceptance on any day on which negotiable instruments may be presented for payment under the provisions of sections one hundred and thirty-two and one hundred and forty-five of this act. When Saturday is not otherwise a holiday, presentment for acceptance may be made before twelve o'clock noon on that day.

§ 18. Section two hundred and eighty-seven of such law is hereby amended to read as follows:

§ 287. Presentment for payment to acceptor for honor; how made. Presentment for payment to the acceptor for honor must be made as follows:

1. If it is to be presented in the place where the protest for non-payment was made, it must be presented not later than the day following its maturity;

2. If it is to be presented in some other place than the place where it was protested, then it must be forwarded within the time specified in section one hundred and seventy-five.

§ 19. Section two hundred and eighty-eight of such law is hereby amended to read as follows:

§ 288. When delay in making presentment is excused. The provisions of section one hundred and forty-one apply where there is delay in making presentment to the acceptor for honor or referee in case of need.

§ 20. Section three hundred and ten in the schedule of sections to article sixteen is hereby amended to read as follows:

310. Bill in sets constitutes one bill.

§ 21. Subdivision two of section twenty-seven of such law is hereby amended to read as follows:

2. The drawer or maker; or

§ 22. Section fifty-five in the schedule of sections to article three is hereby amended to read as follows:

55. Liability of accommodation party.

§ 23. The head note to section fifty-five of such law is hereby amended to read as follows:

Liability of accommodation party.

§ 24. Section two hundred and fifteen in the schedule of sections to article ten is hereby amended to read as follows:

215. Referee in case of need.

§ 25. Section two hundred and ten of such law is hereby amended to read as follows:

§ 210. Bill of exchange defined. A bill of exchange is an unconditional order in writing addressed by one person to another, signed by the person giving it, requiring the person to whom it is addressed to pay on demand or at a fixed or determinable future time a sum certain in money to order or to bearer

§ 26. The head note to section two hundred and fifteen of such law is hereby amended to read as follows: Referee in case of need.

§ 27. Section two hundred and twenty of such law is hereby amended to read as follows:

§ 220. Acceptance; how made; et cetera. The acceptance of a bill, is the signification by the drawee of his assent to the order of the drawer. The acceptance must be in writing and signed by the drawee. It must not express that the drawee will perform his promise by any other means than the payment of money.

§ 28. Section two hundred and eighty of such law is hereby amended to read as follows:

§ 280. When bill may be accepted for honor. Where a bill of exchange has been protested for dishonor by non-acceptance or protested for better security and is not overdue, any person not being a party already liable thereon, may, with the consent of the holder, intervene and accept the bill *supra* protest for the honor of any party liable thereon or for the honor of the person for whose account the bill is drawn. The acceptance for honor may be for part only of the sum for which the bill is drawn; and where there has been an acceptance for honor for one party, there may be a further acceptance by a different person for the honor of another party.

§ 29. Section three hundred and twenty-three of such law is hereby amended to read as follows:

§ 323. Certification of check; effect of. Where a check is certified by the bank on which it is drawn the certification is equivalent to an acceptance.

§ 30. The first paragraph of section two hundred and forty-two of such law is hereby amended to read as follows: Presentment; how made.—Presentment for acceptance must be made by or on behalf of the holder at a reasonable hour, on a business day, and before the bill is overdue, to the drawee or some person authorized to accept or refuse acceptance on behalf; and

§ 31. This act shall take effect immediately.

Chap. 337.

AN ACT to amend chapter two hundred and twenty-five of the laws of eighteen hundred and ninety-six, entitled "An act in relation to the poor, constituting chapter twenty-seven of the general laws," in relation to the relief of indigent soldiers, sailors and marines resident in cities of the first class.

Became a law April 20, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Poor law
amended.

Section 1. Section eighty-one of chapter two hundred and twenty-five of the laws of eighteen hundred and ninety-six, entitled "An act in relation to the poor, constituting chapter twenty-seven of the general laws," is hereby amended so as to read as follows:

Post to give
notice that
it assumes
charge.

§ 81. The commander of any such post which shall undertake to supervise relief of poor veterans or their families, as herein provided, before his acts shall become operative in any town, city or county, shall file with the clerk of such town, city or county, a notice that such post intends to undertake such supervision of relief, which notice shall contain the names of the relief committee, commander and other officers of the post; and also an undertaking to such city, town or county, with sufficient and satisfactory sureties for the faithful and honest discharge of his duties under this article; such undertaking to be approved by the treasurer of the city or county, or the supervisor of the town, from which such relief is to be received. Such commander shall annually thereafter, during the month of October, file a similar notice with said

Undertak-
ing of com-
manders.

Annual no-
tice and
statement.

city or town clerk, with a detailed statement of the amount of relief requested by him during the preceding year, with the names of all persons for whom such relief shall have been requested, together with a brief statement in each case from the relief committee upon whose recommendation the relief was requested, provided, however, that in cities of the first class said notice and said detailed statement shall be filed with the comptroller of such city, and said undertaking shall be approved by him, and provided further that in any city of the first class which is now, or may hereafter be, divided into boroughs, a duplicate of such notice and of such detailed statement shall be filed with the commissioner of charities for the borough in which the headquarters of such post is situated, and it shall be the duty of such commissioner to annually include in his estimate of the amounts necessary for the support of his department such sum or sums of money as may be necessary to carry into effect the provisions of sections eighty, eighty-one, eighty-two, eighty-three and eighty-four of this act and the proper officers charged with the duty of making the budget of any such city shall annually include therein such sum or sums of money as may be necessary for that purpose. Moneys actually laid out and expended by any such post for the relief specified in section eighty of this act shall be reimbursed quarterly to such post by the comptroller on vouchers duly verified by the commander and quartermaster of said post, showing the date and amount of each payment, the certificate of the post relief committee, signed by at least three members, none of whom shall have received any of the relief granted by the post for which reimbursement is asked, showing that the person relieved was an actual resident of such city, and that they recommended each payment, and the receipt of the recipient for each payment, or in case such receipt could not be obtained, a statement of such fact, with the reason why such receipt could not be obtained. Such vouchers shall be made in duplicate on blanks to be supplied by the comptroller and shall be presented to the commissioner of charities for the borough in which the headquarters of the post is situated, and if such commissioner is satisfied that such moneys have been actually expended as in said voucher, stated, he shall approve the same and file one of said duplicates in his office and forward the other to the comptroller, who shall pay the same by a warrant drawn to the order of the said commander. Wilfull false swearing to such voucher shall be deemed perjury and shall be punishable as such.

Filing of notice, etc., in cities of first class.

Duty of commissioner of charities.

Amount to be included in.

Quarterly reimbursement to post, upon vouchers.

Approval of vouchers.

Payment by comptroller.

False swearing.

Provisions
applicable
to cities of
first class
in 1898.

§ 2. Within thirty days after the passage of this act any Grand Army post having its headquarters in a city of the first class now divided into boroughs, may file with the proper officers of such city the notice mentioned in the preceding section, and the proper officers of such city are hereby empowered, and it is hereby made their duty to estimate for, provide and raise, in the same manner as other municipal expenditures are estimated for, provided and raised, such sum or sums of money as may be necessary to carry into effect the provisions of this act during the year eighteen hundred and ninety-eight, and such posts shall be reimbursed for moneys expended by them upon compliance with the terms of this act.

Repeal.

§ 3. All acts and parts of acts inconsistent herewith are hereby repealed.

§ 4. This act shall take effect immediately.

Chap. 338.

AN ACT to amend the real property law, being chapter five hundred and forty-seven of the laws of eighteen hundred and ninety-six, relating to forms of conveyances.

Became a law April 20, 1898, with the approval of the Governor.

Passed, a majority being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Article seven of the real property law is hereby amended by adding the following new sections thereto, to be known as sections two hundred and thirty-five, two hundred and thirty-six and two hundred and thirty-seven:

§ 2. Section two hundred and thirty-five shall read as follows:

§ 235. Construction of covenants in mortgages on leases of real property and bonds. In mortgages on leases of real property and in bonds secured thereby, the following or similar covenants or agreements must be construed as follows:

1. In default of payment, mortgagee to have power to sell. A covenant that the mortgagor "will pay the indebtedness, as provided in the mortgage, and if default be made in the payment of any part thereof, the mortgagee or obligee shall have power to

sell the premises therein described, according to law," must be construed as meaning that the mortgagor or obligor shall well and truly pay unto the mortgagee or obligee the said sum of money mentioned in the condition of the said bond or obligation, and the interest thereon, according to the condition of the said bond or obligation. And if default shall be made in the payment of the said sum of money therein mentioned, or in the interest which shall accrue thereon, or of any part of either, that then and from thenceforth it shall be lawful for the said mortgagee or obligee, his legal representative or assigns, to sell, transfer and set over, all the rest, residue and remainder of the said term of years then yet to come, and all other, the right, title and interest of the said mortgagor or obligor of, in and to the same, at public auction, according to the act in such case made and provided. And as the attorney of the said mortgagor or obligor for that purpose by these presents duly authorized, constituted and appointed, to make, seal, execute and deliver to the purchaser or purchasers thereof, a good and sufficient assignment, transfer or other conveyance in the law, for the said premises, with the appurtenances; and out of the money arising from such sale, to retain the principal and interest which shall then be due on the said bond or obligation, together with the costs and charges of advertisement and sale of the said premises, rendering the overplus of the purchase money (if any there shall be) unto the said mortgagor or obligor, his legal representatives or assigns; which sale, so to be made, shall forever be a perpetual bar, both in law and equity, against the said mortgagor or obligor, and against all persons claiming or to claim the premises or any part thereof, by, from or under him or them, or any of them.

2. **Mortgagor to keep buildings insured.** A covenant "that the mortgagor will keep the buildings on the said premises insured against loss by fire, for the benefit of the mortgagee," must be construed as meaning that the said mortgagor or obligor shall and will keep the buildings erected and to be erected upon the lands above conveyed, insured against loss and damage by fire, by insurance, and in an amount approved by the said mortgagee or obligee and his assigns, and either assign the policy and certificates thereof or have such insurance made payable to the said mortgagee or obligee or his assigns, and in default thereof it shall be lawful for the said mortgagee or obligee and his assigns to

effect such insurance, and the premium and premiums paid for effecting the same shall be a lien on the said mortgaged premises, added to the amount of the said bond or obligation, and secured by these presents, and payable on demand, with legal interest.

3. **Mortgagor to pay rent and charges on premises.** A covenant that the mortgagor "will pay the rent and other charges mentioned in and made payable by said indenture or lease within day after said rent or charges are payable," must be construed as meaning that the said mortgagor or obligor and his legal representatives and assigns, will pay or cause to be paid and discharge all rent and rents mentioned in and made payable by the indenture of lease aforesaid, and also all taxes, assessments or other charges that now are a lien, or hereafter shall or may be levied, assessed or imposed and become a lien upon the premises above described or any part thereof; and in default thereof, for the space of after such taxes or assessments or after the said rent or rents, or any of them shall have become due and payable by the terms of said lease or by law, then and in each and every such case the said mortgagee or obligee, his legal representatives or assigns may, at option, and without notice, pay such rent or rents, taxes, assessments or other charges and expenses, and the amount so paid, and interest thereon, from the time of such payment, shall forthwith be due and payable from the said mortgagor or obligor, his legal representatives or assigns, to the said mortgagee or obligee, his legal representatives or assigns, and shall be deemed to be secured by these presents, and shall be collectible in the same manner, and at the same time, and upon the same conditions as the interest then next maturing upon the principal sum hereinbefore mentioned.

4. **Agreement that whole sum shall become due.** The words "And it is hereby expressly agreed that the whole of the said principal sum shall become due at the option of said mortgagee or obligee after default in the payment of any installment of principal or after default in the payment of interest for days, or after default in the payment of any rent or other charge made payable in and by said indenture of lease for days, or after default in the payment of any tax or assessment for days after notice and demand," must be construed as meaning that should any default be made in the payment of any installment of principal or any part thereof, or of said interest or any

part thereof, or of any rent or other charge made payable in and by said indenture of lease, on any day whereon the same is made payable, or should any tax or assessment, which now is or may be hereafter imposed upon the premises hereinafter described become due and payable, and should the said interest, rent or other charge aforesaid, remain unpaid and in arrear for the space of days, or such tax or assessment remain unpaid and in arrear for days after written notice by the mortgagee or obligee, his executors, administrators or assigns, that such tax or assessment is unpaid, and demand for the payment thereof, then and from thenceforth, that is to say, after the lapse of either one of said periods, as the case may be, the aforesaid principal sum, with all arrearage of interest thereon, rent and other charges paid by the mortgagee or obligee, shall, at the option of the said mortgagee or obligee, his executors, administrators or assigns, become and be due and payable immediately thereafter, although the period above limited for the payment thereof may not then have expired, anything thereinbefore contained to the contrary thereof in anywise notwithstanding.

§ 3. Section two hundred and thirty-six shall read as follows:

§ 236. Construction of grant of appurtenances, et cetera, and all of the rights and estate of the mortgagor. In any mortgage on lease of real property the words "together with the appurtenances and all the estate and rights of the part of the first part of, in and to said premises under and by virtue of the aforesaid indenture of lease," must be construed as meaning, together with all and singular the edifices, buildings, rights, members, privileges and appurtenances thereunto belonging or in anywise appertaining; and also all the estate, right, title, interest, term of years yet to come and unexpired, property, possession, claim and demand whatsoever, as well in law as in equity, of the said mortgagor or obligor, of, in and to the said demised premises, and every part and parcel thereof, with the appurtenances; and also the said indenture of lease, and the renewal therein provided for, and every clause, article and condition therein expressed and contained:

§ 4. Section two hundred and thirty-seven shall read as follows:

§ 237. What form of mortgage on lease of real property. The use of the following form of instrument for mortgages on leases of real property is lawful but this section does not prevent or invalidate the use of other forms.

SCHEDULE D.

MORTGAGE ON LEASE OF REAL PROPERTY.

This indenture, made the _____ day of _____ in the year one thousand _____ hundred and _____ between _____ of (insert residence) of the first part and _____ of (insert residence) of the second part; whereas _____ did, by a certain indenture of lease, bearing date the _____ day of _____ in the year one thousand eight hundred and ninety- _____ demise, lease and to farm let unto _____ and to _____ executors, administrators and assigns, all and singular the premises hereinafter mentioned and described, together with their appurtenances; to have and to hold the same unto the said _____ and to _____ executors, administrators and assigns, for and during and until the full end and term of _____ years, from the _____ day of _____ one thousand eight hundred and ninety- _____ fully to be complete and ended, yielding and paying therefor unto the said _____ and to _____ or assigns, the yearly rent or sum of _____.

And whereas, the said part _____ of the first part _____ justly indebted to the said part _____ of the second part, in the sum of _____ lawful money of the United States of America, secured to be paid by _____ certain bond or obligation, bearing even date herewith, conditioned for the payment of the said sum of _____ on the _____ day of _____ eighteen hundred and ninety- _____ and the interest thereon to be computed from _____ at the rate of _____ per centum per annum and to be paid _____

It being thereby expressly agreed that the whole of the said principal sum shall become due at the option of the mortgagee or obligee after default in the payment of interest, taxes or assessments or rents as hereinafter provided.

Now this indenture witnesseth that the said part _____ of the first part, for the better securing the payment of the said sum of money mentioned in the condition of the said bond or obligation, with interest thereon, and also for and in consideration of the sum of one dollar, paid by the said part _____ of the second part, the receipt whereof is hereby acknowledged, doth grant and release, assign, transfer and set over unto the said part _____ of the second part, and to his heirs (or successors) and assigns forever.

(Description.)

Together with the appurtenances and all the estate and rights of the part of the first part of, in and to said premises under and by virtue of the aforesaid indenture of lease.

To have and hold the said indenture of lease and renewal, and the above granted premises, unto the said part of the second part, his heirs and assigns, for and during all the rest, residue and remainder of the said term of years yet to come and unexpired, in said indenture of lease and in the renewals therein provided for; subject, nevertheless, to the rents, covenants, conditions and provisions in the said indenture of lease mentioned.

Provided always that if the said part of the first part shall pay unto the said part of the second part, the said sum of money mentioned in the condition of the said bond or obligation, and the interest thereon, at the time and in the manner mentioned in the said condition, that then these presents and the estate hereby granted, shall cease, determine and be void.

And the said part of the first part covenant with the said part of the second part as follows:

First. That the part of the first part will pay the indebtedness as hereinbefore provided.

And if default shall be made in the payment of any part thereof the said part of the second part shall have power to sell the premises therein described according to law.

Second. That the said premises now are free and clear of all incumbrances whatsoever, and that ha good right and lawful authority to convey the same in manner and form hereby conveyed.

Third. That the part of the first part will keep the buildings on the said premises insured against loss by fire, for the benefit of the mortgagee.

Fourth. That the part of the first part will pay the rents and other charges mentioned in and made payable by said indenture of lease within days after said rent or charges are payable.

Fifth. And it is hereby expressly agreed that the whole of the said principal sum shall become due at the option of the said mortgagee or obligee after default in the payment of any instalment of principal, or after default in the payment of interest for

to be given previous to the expiration of the time allowed by law for the redemption thereof, were regular and in accordance with all the provisions of law relating thereto. After two years from the date of such conveyance such presumption shall be conclusive. The comptroller may receive evidence of the loss or wrongful detention of any certificate, and on satisfactory proof of the fact may execute and deliver a deed to such person as may appear to be the rightful owner of such certificate. Every certificate of conveyance executed by the comptroller under this act may be recorded in the same manner and with like effect as a conveyance of real estate properly acknowledged or proven.

§ 2. Section one hundred and fifty-three of chapter nine hundred and eight of the laws of eighteen hundred and ninety-six, entitled "An act in relation to taxation, constituting chapter twenty-four of the general laws," known as the tax law, as amended by chapter four hundred and ninety of the laws of eighteen hundred and ninety-seven, is hereby amended to read as follows:

§ 153. **Conveyance by county treasurer.** If such real estate, or any portion thereof, be not redeemed as herein provided, the county treasurer shall execute to the purchaser a conveyance of the real estate so sold, the description of which real estate shall include a specific statement of whose title or interest is thereby conveyed, so far as appears on the record, which conveyance shall vest in the grantee an absolute estate in fee, subject, however, to all claims the county or state may have thereon for taxes or liens or incumbrance. The county treasurer shall receive from the purchaser fifty cents for preparing such conveyance and ten cents additional for each piece or parcel of land described therein, exceeding the first. All purchases made for the county shall be included in one conveyance, for which the county treasurer shall receive ten dollars. Every such conveyance shall be executed by the treasurer of the county, under his hand and seal, and may be recorded in the same manner and with like effect as a conveyance of real estate properly acknowledged or proven. The money received by the county treasurer on every such sale shall be applied by him, after deducting the expenses thereof, in like manner as if the same had been paid to him by the collectors of the several towns.

§ 3. This act shall take effect immediately.

Chap. 340.

AN ACT to amend chapter seven hundred and sixty-four, of the laws of eighteen hundred and ninety-four, entitled "An act to enable the towns and cities of this state to use the Myers automatic ballot machine at all elections therein," as amended by chapter seventy-three of the laws of eighteen hundred and ninety-five; and to amend chapter seven hundred and sixty-five, of the laws of eighteen hundred and ninety-four, entitled "An act to secure independence of voters at town meetings, secrecy of the ballot, and providing for the use of automatic ballot cabinets," as amended by chapter one hundred and fifty-eight of the laws of eighteen hundred and ninety-five; and to repeal section four of chapter four hundred and fifty of the laws of eighteen hundred and ninety-seven, entitled "An act relating to the use of voting machines."

Became a law April 20, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section five of chapter seven hundred and sixty-four of the laws of eighteen hundred and ninety-four, entitled "An act to enable the towns and cities of this state to use the Myers automatic ballot machine at all elections therein," as amended by chapter seventy-three of the laws of eighteen hundred and ninety-five, is hereby amended to read as follows:

§ 5. **Providing ballots.** The county clerk of the county shall provide, at the county's expense, the requisite number of ballots, ballot captions, counter labels and instruction cards for each polling place in such town and city for each election to be held thereat, except town meetings and city and village elections and elections of school officers not held at the same time as the general election. If a city or village election or a town meeting for the election of public officers shall be held upon a different day from a general election, the clerk of such city, village or town shall provide, at the expense of such city, village or town, the requisite number of ballots, ballot captions, counter labels and instruction cards for each polling place. The ballots, ballot captions, counter labels and instruction cards shall be printed and in possession of the clerk charged with providing them and open

to the public inspection four days before the election, except those for a village election or a town meeting held at a different day from the general election shall be so printed, in possession and open to public inspection two days before such village election or town meeting.

§ 2. Section two of chapter seven hundred and sixty-five of the laws of eighteen hundred and ninety-four, entitled "An act to secure independence of voters at town meetings, secrecy of the ballot and providing for the use of automatic ballot cabinets," as amended by chapter one hundred and fifty-eight of the laws of eighteen hundred and ninety-five, is hereby amended to read as follows:

§ 2. Form of ballots and canvass of votes. The ballot by which the elector chooses or votes in said automatic ballot cabinets shall be in secret, and shall be a cardboard or paper ticket, or emblem, which shall contain written or printed, or partly written or partly printed, the names of the persons for whom the elector intends to vote, and shall designate the office to which each person so named is intended by him to be chosen, and shall not contain any other printed or written device or distinguishing mark, excepting a heading or caption of its political or party designation, of not exceeding five words, and may be of different colors, and if there shall be found in the ballot-boxes more ballots of the respective political parties than were indicated by the automatic registers, such excess of ballots of the respective parties shall be rejected; and the canvassers shall also make a true canvass of all split tickets, and make an accurate return of the votes cast for the respective candidates. The town board or board of trustees of such village may make regulations for the use of such ballot cabinets, but such regulations shall require all actions and proceedings of the election officers to be in public in the presence of watchers who may be appointed by the different political parties or candidates thereof, and shall not be inconsistent with law further than may be necessary by reason of the use of such ballot cabinets for the purpose of holding elections, counting and canvassing the ballots thereof.

§ 3. Section four of chapter four hundred and fifty of the laws of eighteen hundred and ninety-seven, entitled "An act relating to the use of voting machines," is hereby repealed.

§ 4. This act shall take effect immediately.

Chap. 341.

AN ACT to amend chapter seven hundred and fifty-four of the laws of eighteen hundred and fifty-seven, entitled "An act to amend an act passed May second, eighteen hundred and thirty-four, incorporating the village of Camden," being chapter two hundred and forty-two of the laws of eighteen hundred and thirty-four, entitled "An act to incorporate the village of Camden, in the county of Oneida," as amended by chapter fifty-four of the laws of eighteen hundred and sixty-four, and by chapter four hundred and ninety-eight of the laws of eighteen hundred and seventy-one, and by chapter three hundred and seventy-five of the laws of eighteen hundred and ninety, and by chapter thirteen of the laws of eighteen hundred and ninety-eight.

Became a law April 20, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Village
charter
amended.

Section 1. Section five of title one of chapter seven hundred and fifty-four of the laws of eighteen hundred and fifty-seven, entitled "An act to amend an act passed May second, eighteen hundred and thirty-four, incorporating the village of Camden," being chapter two hundred and forty-two of the laws of eighteen hundred and thirty-four, entitled "An act to incorporate the village of Camden, in the county of Oneida," as amended by section two of chapter fifty-four of the laws of eighteen hundred and sixty-four, is hereby amended so as to read as follows:

Term of
office.

§ 5. All officers elected at any annual or special meeting, and all officers appointed as hereinafter provided, shall hold their offices for one year, or until others are duly elected or appointed and qualified to succeed them, except trustees and assessors elected after the election held in March, eighteen hundred and ninety-eight, who shall hold their offices for three years.

§ 2. This act shall take effect immediately.

Chap. 342:

AN ACT to amend chapter sixty-eight of the laws of eighteen hundred and sixty, entitled "An act to consolidate and amend the several acts relating to the village of Catskill."

Became a law April 20, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one of chapter sixty-eight, of the laws of eighteen hundred and sixty, entitled "An act to consolidate and amend the several acts relating to the village of Catskill," is hereby amended to read as follows:

§ 1. All that part of the town of Catskill, in the county of Greene, embraced in the following bounds, that is to say, beginning in the mouth of the Ramshorn creek, in north latitude $42^{\circ} 11' 51.55''$, and west longitude (from Greenwich) $73^{\circ} 51' 27.23''$, and running thence to a stone monument in latitude $42^{\circ} 12' 41.56''$ longitude $73^{\circ} 52' 58.63''$; thence to a stone monument in latitude $42^{\circ} 12' 44.75''$, longitude $73^{\circ} 53' 23.54''$; thence to a stone monument in latitude $42^{\circ} 12' 45.20''$, longitude $73^{\circ} 53' 24.60''$; thence to a stone monument in latitude $42^{\circ} 12' 50.23''$, longitude $73^{\circ} 53' 21.18''$; thence in the same course 14.4 feet; thence to a stone monument in latitude $42^{\circ} 12' 51.05''$, longitude $73^{\circ} 53' 22.72''$; thence to a stone monument in latitude $42^{\circ} 12' 59''$, longitude $73^{\circ} 53' 19.14''$; thence to a stone monument in latitude $42^{\circ} 12' 59.73''$, longitude $73^{\circ} 53' 9.99''$; thence to a stone monument in latitude $42^{\circ} 13' 07.01''$, longitude $73^{\circ} 53' 05.54''$; thence to a stone monument in latitude $42^{\circ} 13' 15.18''$, longitude $73^{\circ} 52' 59.50''$; thence to the centre of a fourteen-inch white oak tree at the ground, in latitude $42^{\circ} 13' 17.87''$, longitude $73^{\circ} 52' 58.82''$; thence to a stone monument in latitude $42^{\circ} 13' 20.30''$, longitude $73^{\circ} 53' 2.82''$; thence to a three-quarter inch hole in a rock on the south side of the Catskill creek at high-water mark, in latitude $42^{\circ} 13' 24.13''$, longitude $73^{\circ} 53' 1.07''$; thence to a stone monument in latitude $42^{\circ} 13' 39.26''$, longitude $73^{\circ} 52' 20.12''$; thence to a stone monument in latitude $42^{\circ} 13' 40.20''$, longitude $73^{\circ} 52' 4.07''$; thence to a hole in a rock on the north side of the mouth of the creek called Stuck, in latitude $42^{\circ} 13' 41.86''$, longitude $73^{\circ} 51' 13.14''$; thence south $73^{\circ} 50'$ east (true), to the eastern boundary

Corporate
name and
powers.

line of the town of Catskill; thence southerly along said easterly boundary line of the town of Catskill to a point south 71 degrees 18 minutes east (true) from the place of beginning; thence to the place of beginning, shall hereafter be known by the name of "The Village of Catskill," and the territory, together with the inhabitants therein shall be a municipal corporation by the name of "The Village of Catskill," and by that name shall have perpetual succession, and said corporation is hereby declared to be vested with and in possession of all the estate, real and personal, rights, privileges and immunities, which, (at the time of the passing of this act) appertain and belong to the village of Catskill. The said corporation shall be capable of suing and being sued, complaining and defending, in its corporate name, in any court, make and use a common seal and alter the same at pleasure, and shall have power to take by gift, grant or devise and to hold, purchase and convey such real and personal estate as the purposes of the corporation may require; and shall also have power to hold, purchase and convey such other real estate in the town of Catskill, outside of the boundaries of said village for hospital and pest house purposes, as the corporation may require, not exceeding fifteen hundred dollars in value at the time of the acquisition thereof.

Districts.

The said village shall be divided into five districts, as follows, which may be altered from time to time by the trustees of said village, who shall at once thereafter publish, in a village newspaper, any such alteration, provided that the said trustees shall have no power to make the number of said districts greater or less, and shall only have power to alter the boundaries thereof.

District number one. All that portion of the corporation lying on the east side of the Catskill creek and south of a line commencing at a point on said creek opposite the centre of Bronson street and running up said street to the centre of Main street; thence up Livingston street to and across Broad street and continuing in a direct line to the Hudson river.

District number two. All that portion of the corporation lying north of the aforesaid line, up to a point on the Catskill creek opposite the centre of Factory street and up the same and to the centre of Main street; thence up Main to opposite the centre of William street; thence up and along the centre of William street and continuing to the Hudson river.

District number three. All that part of the corporation lying north of the last aforesaid line up to a point on the said Catskill creek opposite to the south line of Church street, and up to and crossing Main street, continuing in a direct line to the intersection of Spring street and along the same to the line of the said corporation.

District number four. All that part of the corporation lying on the east side of the said Catskill creek and north of the last aforesaid line.

District number five. All that part of the corporation lying on the west side of the Catskill creek.

§ 2. Section two of said act is hereby amended to read as follows:

§ 2. The officers of the corporation shall consist of five trustees ^{Village officers.} one only of whom shall be a resident of any of the districts aforesaid, one of whom shall be president of the village, who, at the time of their election shall have been assessed and paid a village tax upon real or personal property; three assessors, one treasurer and one collector to be elected by the people of the corporation qualified to vote at the annual state election for member of assembly; a village clerk to be appointed by the trustees annually and hold his office for the term of one year; and the trustees may appoint four police constables, one poundmaster, one sexton, and such other appointive officers as shall be authorized by law. No person shall be eligible to an office unless he shall be, at the time, a resident and elector in said village; and when any officer of said village shall not have been at the time of his election, or shall afterwards cease to be a resident of the village, his office shall thereby become vacant. The trustees may, if in their opinion the public ^{Eligibility to office.} good requires, appoint an extra number of police constables to ^{Extra police constable.} serve during the pleasure of the said trustees, and who shall have no authority to serve civil process.

§ 3. Section seven of said act is hereby amended to read as follows:

§ 7. The treasurer and police constables, before entering upon ^{Official bonds.} their official duties, shall respectively execute a bond to the corporation, in such sums and with such sureties as shall be approved by the trustees, conditioned that they will faithfully perform the duties of their offices respectively and account for and pay over according to law all moneys belonging to the said cor-

poration that shall come to their hands, which bond shall be filed with the clerk of the village.

§ 4. Section eight of said act is hereby amended to read as follows:

President
of the vil-
lage.

§ 8. The trustees shall form a board, and shall meet within ten days after such annual election and by plurality of votes elect one of their number to be president of the board, who shall also be president of the village. They shall receive an annual salary of twenty-five dollars each for their services, but they shall not, nor shall either of them, be interested, directly or indirectly, in any contract, promise, engagement, wages or in any other matter in which the corporation shall be a party.

Salary of
trustees.

§ 5. Section twenty-seven of said act is hereby amended to read as follows:

Streets.

§ 27. Streets.—The trustees are authorized and empowered to lay out, make and open any street, alley or highway, of such width as they shall deem proper, and to cause any street, alley or highway already laid out, to be opened, altered, extended, widened, or discontinued, whenever they shall deem the public good to require, except that the trustees are not authorized to expend for any of the purposes of this section mentioned a sum to exceed one thousand dollars without being thereto specially authorized by a vote of the taxable inhabitants qualified to vote upon a resolution for raising money by tax.

Dedication
of streets

Dedication of streets.—An owner of land in the village, who has laid out a street thereon, may dedicate such street or any part thereof or an easement therein, to the village for a public street, or an owner may dedicate for such purpose, land not laid out as a street. Upon an offer in writing by the owner to make such dedication the board of trustees shall meet to consider the matter; and it may by resolution determine to accept a dedication of the whole or any part of the land described in such offer or of the whole or any part of such street, to be described in such resolution. Upon the adoption of such resolution the owner may execute and deliver to the village clerk a proper conveyance of the land to be dedicated. The board of trustees may by resolution accept the conveyance and a certified copy of such resolution, together with the conveyance, shall thereupon be recorded in the office of the county clerk. Upon the acceptance of the conveyance, the land described therein shall become and be a

public street of the village. No street less than two rods in width shall be accepted by dedication. All offers of dedication must be entered at length in the minutes of the board of trustees.

Petition for street improvement.—Five resident freeholders may present to the board of trustees a petition for laying out, altering, widening, narrowing or discontinuing a street in the village. The petition must be addressed to the board of trustees and must contain a statement of the following facts:

Petition for street improvement.

1. The names and residences of the petitioners.
2. If the petition be for the laying out of a street, the general course thereof and a description of the land to be taken.
3. If the petition be for the alteration of a street, its name, the proposed alteration, and a description of the land, if any, to be taken.
4. If the petition be for the widening of a street, its name and a description of the land to be taken.
5. If the petition be for the narrowing of a street, its name, its proposed width after such alteration, and the manner in which such narrowing is to be effected.
6. If the petition be for the discontinuance of a street, its name and the part proposed to be discontinued.
7. If the petition be for the laying out, alteration or widening of a street, the names and residences of the owners of all lands to be taken.
8. If the petition be for the narrowing or discontinuance of a street, the names and residences of the owners of the adjoining lands affected.

Notice of meeting of board to consider petition.—Upon the presentation of the petition the board shall immediately give notice that it will meet at a specified time and place, not less than ten nor more than twenty days from the date of such notice, to consider the petition. The notice must state the general object of the petition, and if it be for the laying out of a street, a general description of its proposed course, and in any other case, the name of the street proposed to be changed or discontinued. The notice must be served upon the following persons, unless such service be waived by them in writing:

Notice of meeting to consider petition.

1. If the petition be for the laying out of a street, upon each owner of land to be taken.
2. If the petition be for the alteration or widening of a street, upon each owner of land, if any, to be taken, and upon each owner of land adjoining the part of the street affected.

3. If the petition be for the narrowing of a street, upon each owner of land adjoining the part of the street affected.

4. If the petition be for the discontinuance of a street upon each owner of land adjoining the part of the street proposed to be discontinued and also upon the owner of land otherwise affected by the proposed discontinuance.

If a person other than the owner is in possession of such land, notice must also be served upon him. Such notice shall also be published in each newspaper published in the village and posted in five conspicuous places therein. The notice must be served, posted and published at least ten days before the hearing.

Meeting
and deter-
mination of
board.

Meeting and determination of board.—The board shall meet at the time and place specified in the notice, to consider the petition and also any objections thereto. A person affected by the proposed improvement, and upon whom notice has not been served, may appear upon the hearing. A voluntary general appearance of such a person is equivalent to personal service of the notice upon him. The board may adjourn the hearing and must determine the matter within twenty days from the date fixed for such hearing. If the board determine to grant the petition, an order must be entered in its minutes containing a description of the land, if any, to be taken.

Effect of
determin-
ation.

Effect of determination.—The determination of the board has the following effect:

1. If the petition for the laying out, altering or widening of a street be granted, the board of trustees may acquire the land for such improvement by purchase or by proceedings under this section. But no street shall be laid out through a building or any fixtures or erections for the purpose of trade or manufacture without the consent of the owner, except upon the order of a justice of the supreme court residing in the judicial district in which said village is situated, to be granted upon an application by the board of trustees on a notice to the owner of not less than ten days.

2. If the petition for the narrowing of a street be granted, the board shall enter upon its records a description of the street after such narrowing, and the portion of the former street not included in such description is abandoned.

3. If the petition for the discontinuance of a street be granted, such street or the part thereof so discontinued, is abandoned.

Application for commissioners; notice of application.—If a petition for the laying out, alteration or widening of a street be granted, and the board cannot agree with an owner upon the purchase price of the land necessary to be acquired, an application may be made by the board to the county court of Greene county for the appointment of commissioners to determine the compensation to be made such owner. At least ten days before the making of such application a notice specifying the time and place thereof must be served upon such owner.

Applica-
tion for
commis-
sioners.

Appointment of commissioners.—Upon such application the county court must appoint as such commissioners three resident, disinterested freeholders of the county of Greene, not nominated by a person interested in the proceeding. In case of a vacancy another commissioner may be appointed in like manner. The order of appointment must contain the name of each person whose compensation is to be determined by the commissioners.

Appoint-
ment of
commis-
sioners.

Notice of meeting of commissioners.—The commissioners shall file with the village clerk the constitutional oath of office. They shall appoint a time and place for a hearing and serve a notice thereof upon the board of trustees and upon each person named in the order. Such notice must be served at least ten days before the hearing, which must be held within twenty days after their appointment.

Notice of
meeting.

Meeting and award of commissioners.—The commissioners shall meet at the time and place appointed and may adjourn from time to time. They shall personally examine the land, compensation for which is to be determined by them, and may take testimony in relation thereto. They shall keep minutes of their proceedings and reduce to writing all evidence taken by them. They shall award to each owner of land named in the order the compensation to which he may be entitled after making allowance for any benefit he may derive from the improvement. After the appointment of the commissioners and before any evidence is taken on the hearing, the board may make an agreement with an owner named in the order for the compensation to be made to him. If such an agreement be made, notice thereof must be served upon the commissioners, and thereupon the proceeding as to such owner is discontinued. The award shall be signed by a majority of the commissioners, and together with the minutes of their proceedings, the evidence taken by them, and any notice of agreement served upon them, shall be filed in the office of the village clerk.

Meeting
and award.

Appeal
from
award.

Appeal from award of commissioners.—The board of trustees or an owner to whom an award has been made by the commissioners may, within twenty days after the filing of the award, appeal therefrom to the said county court of Greene county. Such appeal shall be taken by a notice of appeal to be served as follows:

1. If the appeal be taken by the board of trustees, notice thereof must be filed by the village clerk in his office and addressed to and served upon each owner to whose award objection is made by the board.

2. If the appeal be taken by an owner, the notice of appeal must be addressed to the board of trustees and served upon the village clerk. The notice must, in either case, briefly state the grounds upon which the appeal is taken.

Return by
clerk.

Return by clerk.—Within ten days after such appeal the village clerk shall transmit to the county judge the petition filed with the board for the laying out, alteration or widening of the proposed street, all papers and evidence in the proceeding subsequently filed in his office and a certified copy of each resolution of the board of trustees relating to the improvement.

Hearing of
appeal.

Hearing of the appeal.—The appeal may be brought on by either party by a notice of not less than ten nor more than twenty days. If the appeal is by the board of trustees it brings up for review all proceedings by or before the commissioners, and the award made by them. If the appeal is by an owner it brings up for review all proceedings relating to the proposed improvement. If the appeal is by the board of trustees and two or more owners are made respondents, the county court may affirm or reverse the award of the commissioners as to the whole or any number of such owners; and if the appeal is by an owner the county court may affirm or reverse the award. If the award be reversed, the order of reversal must state the reasons therefor, and if upon grounds relating to the amount of the award, or for errors in the proceedings by the commissioners, it must direct a rehearing before the same or other commissioners. If it appears from the order of the county court that the award is reversed solely upon grounds relating to the amount of the compensation, or for errors in the proceedings by the commissioners, no further appeal shall be allowed. The order of the county court upon such appeal, together with the papers transmitted by the village clerk, must be filed by the county judge in the office of such clerk.

The order must also be entered in the office of the county clerk of Greene county.

Compensation of commissioners.—Each commissioner is entitled to five dollars for each day actually and necessarily spent in such proceeding, together with his necessary traveling and incidental expenses. Such compensation and expenses are a charge against the village. Compensation of commissioners.

Costs on appeal.—Costs on appeal may be allowed as follows: Costs on appeal.

1. If on appeal by the board of trustees the award of the commissioners be affirmed, the county court may allow to the respondent, costs of such appeal, against the village, not exceeding twenty-five dollars.

2. If on such an appeal the award be reversed on the ground that as to a specified owner it is excessive, the court may fix the amount of costs, not exceeding fifty dollars, to be stated in the order, to be paid by the village to such owner, if upon a rehearing the amount awarded to him is not more favorable to the village by the amount of such costs than the first award.

3. If on appeal by an owner the award be affirmed, costs not exceeding twenty-five dollars may be awarded against him to be recovered by the village.

4. If on such an appeal the award be reversed, the county court may allow to the owner a sum not exceeding twenty-five dollars for the costs of appeal, which shall be a charge against the village.

Upon filing the order in the Greene county clerk's office judgment may be entered for such costs and execution issued thereon the same as in an action in the Greene county court.

Payment for property acquired for street improvement.—Upon the making of an agreement for compensation to an owner under this section, or upon the final order or award fixing the amount of such compensation in proceedings therefor, the board shall immediately pay such amounts and the costs, if any, allowed in such proceedings, if it has funds available for that purpose; if not, money may be borrowed by said board and certificates of indebtedness bearing interest issued therefor, or like certificates may be issued for such amounts, and payable, in either case, not more than one year from the date thereof; and the amount of such certificates shall be included in the next annual tax levy. Payment for property acquired.

The county court of Greene county is always open for the hearing of an application or appeal under this section.

§ 6. Section thirty-two of said act is hereby amended to read as follows:

Village tax.

Taxpayers meeting to vote additional tax.

Notice of meeting.

Conduct of meetings.

Items voted, not to be used for other purposes.

§ 32. The trustees are authorized and empowered to raise money by tax in the manner herein provided, to pay all expenses of the corporation and also to carry into effect the several powers and privileges granted by this act. But no such tax except as by this act otherwise provided or to provide for the payment of any judgment duly recovered and outstanding against the village, or to provide for the payment of the bonded indebtedness of said village due and payable during the current fiscal year, and the poll and highway tax and the dog tax hereinafter provided for, shall be levied or collected until the same shall have been authorized by a vote of the taxable inhabitants of the corporation, at their annual election of officers or at a meeting called by the trustees for the purpose of authorizing the assessment and collection of taxes. Before any such tax can be voted for at any such meeting, a notice must be published by order of the trustees and signed by the president and clerk, for at least ten days before such meeting, in the newspaper in the village having the largest circulation therein, stating that the meeting will be called upon to vote for a tax or loan, specifying the object or objects and stating the sum to be raised for each object. The conduct of meetings called for the purpose of authorizing the assessment and collection of taxes shall be governed by the usual rules of parliamentary law, unless herein otherwise provided. If, upon the question of raising any sum or sums by tax, any five taxpayers present demand that the vote be taken by ballot, it shall be so taken, and no person shall vote except he possess the qualifications required by section fifty of this act; each ballot to have written or printed thereon "for the tax" or "against the tax." The sum to be raised for each object if more than one, shall be voted for separately, and the result of each vote shall be recorded by the clerk. A greater or less sum than proposed by the trustees for any object may be voted for in a like manner at such meeting. No tax, not thus presented and voted upon shall be collected, except as by this act or by law otherwise provided, and no item thus voted or any part thereof shall be used for any other purpose than the specific purpose for which it was voted, and any surplus thereof, unexpended for that specific purpose, shall be and remain in the treasury, and be ac-

counted for and reported by the trustees; but its purpose and object may be changed to any other object by a subsequent vote of another meeting, after due notice, in the same manner as herein provided for the vote directing such tax, when such change can be made without violating a contract.

§ 7. Section thirty-seven of said act is hereby amended to read as follows:

§ 37. The warrant of the trustees to the collector, annexed to the tax roll delivered to him, shall be returnable within sixty days after the receipt thereof by the collector; and the board of trustees may extend the time for the return of such warrant thirty days beyond the said sixty days, and such extension shall not affect the validity of the bond given by the collector. On receiving such tax roll and warrant the collector shall make thereon a certificate, signed by him, stating the time of its receipt by him, which certificate shall be sufficient evidence in all cases, of the time of the receipt of such tax roll and warrant by said collector; and in cases where the collector is obliged to resort to the sale of real estate for the collection of any tax or assessment, the sale of such real estate may be made at any time within three months after the return day of said warrant or extension, and such sale shall be valid, notwithstanding such return day shall have passed.

Return of
tax war-
rant.

Certificate
of receipt
of roll.

Sale of
real estate.

§ 8. Section thirty-eight of said act is hereby amended to read as follows:

§ 38. Within the time limited by his warrant, the collector shall pay over all moneys collected by virtue thereof to the treasurer of the village; and if any taxes or assessments remain unpaid or uncollected for any cause, he shall make a return, containing a statement of such taxes and assessments, the persons against whom the same are assessed, and if any of them are charged upon real estate; the said statement shall contain a brief description of such real estate, corresponding substantially with the entries in the tax roll, which return or statement shall be verified by oath and filed with the clerk. The clerk shall thereupon deliver to the treasurer a statement, showing the unpaid taxes returned by the collector. All taxes so returned unpaid shall be increased five per centum, and if remaining unpaid thirty days after such return shall bear interest at the rate of ten per centum per annum from the time of their return by the collector to the time of their subsequent payment, and such tax and

Payment
over of col-
lections.

Return of
unpaid
taxes.

Percent-
ages and
interest to
be added.

increase may be paid to the treasurer at any time after such return and before the same have been reassessed or proceedings taken for the sale of real estate to pay them. If any collector shall refuse or neglect to pay over to the treasurer the sums required by his warrant to be paid over, or to account for the sums so unpaid, the treasurer shall, after the expiration of ten days from the time such warrant is returnable, issue a warrant under his hand and seal, directed to the sheriff of the county of Greene, commanding him to the same effect in substance as in the warrant authorized by law to be issued by a county treasurer, and if any moneys shall remain uncollected on said warrant to the sheriff, the village treasurer shall immediately give notice thereof to the president, whose duty it shall be to cause the bond of the collector and his sureties to be prosecuted in the name of the corporation, and the moneys collected in such action shall be paid into the village treasury.

§ 9. Section thirty-nine of said act is hereby amended to read as follows:

§ 39. If any tax or assessment, assessed on the personal estate of any person, corporation or banking association in said village, shall not be paid, and no goods or chattels of such person, corporation or association can be found, whereof to make the same by distress and sale, such tax or assessment may be levied and made by sale of any real estate in said village, owned by or assessed to such person, corporation or banking association, in the same manner as if the same were assessed upon such real estate; and any tax or assessment upon the personal estate of any person, corporation or banking association, to whom any real estate owned by such person, corporation or corporations or associations is assessed, shall be a lien thereupon; and in all cases where any taxes or assessments shall remain unpaid or uncollected for want of sufficient goods and chattels whereof to make the same by distress and sale, and at any time after the time for the return of the warrant by the collector shall have expired, an action may be brought and maintained by the corporation against the persons, corporations or associations taxed and recover the same, together with the increase provided by the last section, with costs of the action, in any of the courts of this state, and the same proceedings shall be had to enforce the collection of any judgment which may be recovered in such action as are provided in this act for the collection of judgments re-

Refusal or neglect of collector to pay over moneys, etc.

Sale of real estate for taxes.

Lien of taxes.

Action for collection of taxes.

covered in action to recover penalties or forfeitures; but such action shall not operate to release any lien upon property for such tax until the judgment recovered in such action shall have been fully satisfied.

§ 10. Section forty of said act is hereby amended to read as follows:

§ 40. If, at the time of levying any annual tax, any tax or assessment levied upon real estate in any previous year, shall for any reason remain unpaid, the amount thereof, with the increase provided by section thirty-eight of this act, may be added to such annual tax and charged upon the real estate upon which it was originally assessed, and the same proceedings in all respects for the collection thereof may be had and with the like effect as in case of the tax or assessment on the same real estate for the then current year, but in all cases of the charging of any tax or assessment of any previous year upon any such real estate, the year or years in which the same was originally levied shall be specified on the roll, and the amount thereof shall be separately specified in the proper column, and the real estate upon which it was charged shall be properly and sufficiently described on the roll by the trustees, in case it is not already sufficiently described therein by the assessors.

Addition of unpaid taxes to annual tax.

§ 11. Section forty-six of said act is hereby amended to read as follows:

§ 46. The trustees shall have no power to borrow money on the credit of the corporation, except as herein otherwise provided, nor shall they have any power or authority to expend more than two hundred dollars beyond the amount of the taxes for the current year, without being thereto specially authorized by a vote of the taxable inhabitants of said village, qualified to vote upon a resolution for raising money by tax.

Restriction on borrowing money and creating debt.

§ 12. Section fifty of said act is hereby amended to read as follows:

§ 50. No elector shall be entitled to vote upon any question, resolution or direction relating to the raising of money by tax or the disposition of any funds or property of the corporation, unless at the time of offering to vote upon such question, resolution or direction he shall be qualified to vote for an officer and he or his wife shall be the owner of property in the village, assessed upon the last preceding assessment-roll thereof.

Qualification of voters at tax meetings.

§ 13. Section fifty-one of said act is hereby amended to read as follows:

Moderator
at tax
meetings.

§ 51. At any village meeting for the raising of money by tax or the disposition of any funds, money or property belonging to the corporation, the qualified voters present shall choose from among their number a moderator, who is authorized and required to preside at such meeting, preserve order, judge of the qualification of voters, and, with the aid of the clerk, canvass the votes and declare the result thereof; and any person who shall unlawfully vote at such meeting shall be guilty of a misdemeanor and liable to be indicted and punished therefor.

Penalty for
unlawful
voting.

§ 14. Section fifty-five of said act is hereby amended to read as follows:

Penalties
for viola-
tion of
ordinances.

§ 55. The trustees shall have power to enforce all provisions of this act, and all rules, regulations, ordinances and by-laws by them enacted or ordained, in pursuance of the powers conferred upon them by this act, by enacting or ordaining penalties or forfeitures to be incurred for each and every violation of the same, not exceeding two hundred and fifty dollars for any one offense to be recovered with costs in the corporate name of the village, in any court, having cognizance thereof. The pleadings or proceedings, except as herein otherwise directed, shall be the same as prescribed by the code of civil procedure, and the party in whose favor judgment shall be rendered shall have execution of judgment in like manner as in other cases; all expenses incurred in prosecuting for any penalty or forfeiture shall be defrayed by the corporation and all moneys recovered or collected therefor shall be paid into the treasury for the general purposes of the village. In addition to the penalty, or in lieu thereof, the trustees may also ordain that any violation of any such ordinance, rule, regulation or by-law shall constitute disorderly conduct, and that the person violating the same shall be a disorderly person.

Recovery
of penal-
ties.

Disorderly
conduct.

§ 15. Section fifty-six of said act is hereby amended to read as follows:

Disorderly
persons de-
fined.

§ 56. All persons who shall sell strong and spirituous liquors within the limits of said village without a license or in violation of any license granted; all habitual drunkards, all drunken persons or persons found intoxicated in the streets of said village; all riotous persons or persons found engaged in quarreling or fighting in said village and all persons who shall assemble on

Sunday unlawfully or without justifiable or sufficient cause on the premises of or within the corporation, and all persons declared by any ordinance of the village to be disorderly persons, shall be deemed disorderly persons, and every such person may be proceeded against and punished according to the provisions of this act; and the trustees of said village and each of them, and the police constables shall have power and are hereby authorized, at any and all times, to arrest or cause to be arrested, with or without process, any disorderly person or persons mentioned in the preceding part of this section, and shall have power, with or without process, to enter or cause to be entered any building or place within the limits of said village and arrest or cause to be arrested any such disorderly person or persons, and shall take them forthwith before the police justice or other officer having jurisdiction as the case may be, to be dealt with according to the provisions of this act; and the said trustees and each of them, and the said police constables, shall have power at any and all times, to command assistance from the inhabitants of said village to make such arrest. In case the police justice or officer having jurisdiction, as the case may be, cannot be found in said village, then the officer so arresting any such offenders may detain him or her in custody, or commit him or her to the lock-up in said village, for safe keeping, until the police justice or officer having jurisdiction can be found, but not to exceed forty-eight hours, when the officer making the arrest shall immediately bring such offender before the police justice or officer having jurisdiction as the case may be, to be tried as herein provided. And all persons offending against any of the provisions of subdivisions eight, eighteen, nineteen, twenty, twenty-two, twenty-three and twenty-four of section sixteen of this act, or either of said subdivisions, or against any ordinance passed by said trustees under said subdivisions of said section, or either of them, shall be deemed guilty of a misdemeanor, and be punished on conviction by a fine not exceeding the amount named in such subdivisions or ordinances or in default of payment of such fine by imprisonment, not exceeding ten days. Nothing in the foregoing provision making certain offenses misdemeanors shall in any way abridge or take away, or affect the power of said village and its trustees to enforce said subdivisions of said section or said ordinances,

Arrests
without
process.

Proceed-
ings there-
after.

Detention
of offend-
ers.

Misde-
meanors.

in any other way or manner whatsoever, either civilly or criminally.

§ 16. Section fifty-seven of said act is hereby amended to read as follows:

Trial of disorderly persons.

§ 57. When a person charged or complained against as a disorderly person, under the provisions of this act, shall be arrested and brought before the police justice or officer having jurisdiction, such magistrate shall proceed forthwith to hear, try and determine the complaint or charge upon which such person is so arrested, or he may, in his discretion, adjourn the hearing or trial, on cause shown, not to exceed five days, and in the meantime shall commit the offender to the village lock-up, county jail or place of detention, until such day, or suffer him or her to go at large on his or her executing a bond, with surety, under the approval of said justice, conditioned that he or she will appear on said adjourned day; and upon the conviction of any such offender, either by confession or competent testimony, the said justice or officer having jurisdiction, as the case may be, shall have power and is hereby authorized to punish by fine not exceeding fifty dollars, or by imprisonment in the county jail of Greene county, not to exceed six months, or both such fine and imprisonment.

Punishment upon conviction.

§ 17. Section fifty-nine of said act is hereby amended to read as follows:

Measures to guard public health.

§ 59. The trustees may, and it shall be their duty, to take precautionary measures to guard the public health in times of pestilence, and to provide against infectious or pestilential diseases, when they appear in the village, by providing suitable places for the temporary removal of persons having such diseases from the populous parts of the village and to pay the expenses incident to such removal.

§ 18. Said act is hereby further amended by adding after section sixty-four thereof, section sixty-five, as follows:

Service of notices.

§ 65. Notice; how served.—Service of a notice under this act must be personal, if the person to be served can be found in the village, otherwise the notice may be served personally or by mail by depositing a copy thereof in the post office of the village, addressed to such person at his last known place of residence, with the postage thereon prepaid. The provisions of the code of civil procedure relating to the service of a summons in an action in the supreme court, except as to publication, apply, so

far as practicable, to the service of notices under this act. If a person to be served cannot with due diligence be found in the village, or his last known place of residence cannot be ascertained, the county judge of Greene county may by order direct the manner of such service and service shall be made accordingly, and such service, so made, shall be valid and effectual. A service on one of two or more joint tenants or tenants in common shall be a sufficient notice to all, for any purposes requiring a notice under this act.

§ 19. This act shall take effect immediately.

Chap. 343.

AN ACT to authorize the board of trustees of the village of Mohawk, in the county of Herkimer, to issue bonds in payment of the existing indebtedness of said village.

Became a law April 20, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The board of trustees of the village of Mohawk in the county of Herkimer is hereby authorized and empowered to issue bonds or other obligations of indebtedness of the said village, to such an amount as may be necessary, not exceeding three thousand dollars, for the purpose of paying its existing indebtedness, contracted in the construction and installation of an electric lighting system. The said bonds or obligations shall bear interest at a rate not exceeding five per centum per annum, payable semi-annually, and may be issued in such amounts each and for such a term of years, not exceeding twenty-five, as may be deemed by the said board most advantageous. They shall be signed by the president and treasurer and attested by the clerk under the corporate seal, and shall be valid obligations of the said village. They may be sold at public auction or private sale, as the board of trustees shall determine, at the best price obtainable, not less than par.

Issue and sale of bonds.

§ 2. To provide for the payment of the interest and principal of said bonds or obligations, the board of trustees of said village

Tax for payment of interest and principal.

shall cause to be raised each year in the annual tax levy of the taxable property of said village an amount equal to the yearly interest on said bonds or obligations, together with such an equal proportionate sum as shall be required to pay up and retire the said obligations of indebtedness when the whole of the several installments thereof shall become due, the fund so established to be set apart and used solely for that purpose.

§ 3. This act shall take effect immediately.

Chap. 344.

AN ACT to amend section twenty-two of title five of chapter eight hundred and eighteen of the laws of eighteen hundred and sixty-eight, entitled "An act to incorporate the village of Port Chester."

Became a law April 20, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Charter
amended.

Section 1. Section twenty-two of title five, of chapter eight hundred and eighteen of the laws of eighteen hundred and sixty-eight, entitled "An act to incorporate the village of Port Chester" is hereby amended to read as follows:

Expense of
street im-
provement.

§ 22. The expense of regulating, grading and paving streets and avenues, or any part or section thereof, of constructing and erecting sewers and drains, wells, pumps and fire cisterns, culverts and bridges over streams and rivers shall be apportioned and assessed by commissioners to be appointed as hereinafter directed, or the trustees may determine by a majority vote of all the trustees, to be ascertained by taking and recording the ayes and noes, that the expense or a proportion of the expense of regulating, grading and paving streets and avenues or any part or section thereof or of building and constructing any sewers or drains in said village shall be paid by an issue of the bonds of the village for the whole expense or such a proportion of the whole expense as may be determined by a majority vote of all the trustees to be ascertained by taking and recording the ayes and noes, and in case the board of trustees shall determine that the expense of building and constructing any sewers or

drains in said village shall be paid by an issue of the bonds of the village, then the said trustees, at the time and in the manner prescribed in section fifty of this title, shall proceed as directed by sections fifty to fifty-three both inclusive of this title. The determination of the board of trustees, that the expense of constructing sewers and drains shall be paid as prescribed in this section, may also, if said board deem proper, include the expense of constructing lateral pipes of proper size to the inside of the curb line in front of each lot or tract of land along the line of the sewer or sewers and to be paid for in the same manner; and in case the said board of trustees shall determine that a portion of the expense of regulating, grading or paving any street or avenue shall be paid by an issue of village bonds the balance of the expense of such regulating, grading or paving any street or avenue shall be paid by the owners of property abutting on such street or avenue in the proportion that the number of feet owned by such owners of property abutting on such street or avenue bears to the whole number of feet on both sides of such street or avenue or the section thereof which it is proposed to regulate, grade or pave and the provisions of sections twenty-three, twenty-four, twenty-five, twenty-six, twenty-seven, twenty-eight and thirty-one of this title shall apply thereto the same as if the whole expense of regulating, grading or paving said street or avenue was to be borne by an assessment against the owners of property abutting on said street or avenue, and before any commissioners shall be appointed as provided in section twenty-three of this title the said board of trustees shall cause a map to be made by a competent surveyor on which map shall be designated the several pieces or parcels of land abutting upon each side of the street or avenue which it is proposed to regulate, grade or pave or the section of such street or avenue so to be regulated, graded or paved and the distance in feet and inches which each of said several pieces or parcels of land extends along the said street or avenue adjacent to the same or the section thereof which it is proposed to regulate, grade or pave; which map shall be attached to and form a part of the report of the commissioners referred to in sections twenty-five, twenty-six, twenty-seven and twenty-eight of this title.

Map of
lands upon
streets to
be im-
proved.

§ 2. This act shall take effect immediately.

Chap. 345.

AN ACT to amend chapter eight hundred and eighteen of the laws of eighteen hundred and sixty-eight, entitled "An act to incorporate the village of Port Chester," and the acts amendatory thereof, in relation to the powers of the board of trustees.

Became a law April 20, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Charter
amended.

Section 1. Subdivision twenty-three of section one, of title three, of chapter eight hundred and eighteen of the laws of eighteen hundred and sixty-eight entitled "An act to incorporate the village of Port Chester" as amended by chapter six hundred and twenty-three of the laws of eighteen hundred and ninety-four, and as further amended by chapter eight hundred and forty-seven of the laws of eighteen hundred and ninety-six, is hereby amended to read as follows:

Fire limits.

23. To define the limits within said village within which wooden buildings may not be erected, constructed, altered, enlarged or repaired, providing such repairs, enlargements, or alterations shall exceed in cost the sum of five hundred dollars, without the consent of the board of trustees and to define the manner in and the material of which the buildings within such limits shall be erected, constructed, enlarged, altered or repaired, providing such alterations, enlargements or repairs shall exceed in cost the sum of five hundred dollars, and by injunction to restrain the erection, construction, enlargement, altering or repairing of any building or buildings in violation of any ordinance hereafter adopted by the said board of trustees under the power and authority contained in this subdivision or in subdivision twenty-six of this section. And to provide for the establishment of a building department within the said village and for that purpose to appoint one or three persons to be a commissioner or commissioners of said building department and to fix his or their salary and to prescribe rules and regulations governing the said department, its officers and servants, and rules requiring submission to the said department of all plans and specifications for the erecting, constructing, enlarging, repairing or altering of any buildings within the fire limits prescribed under the author-

Building
depart-
ment.

ity contained in this subdivision, and to require a copy of the plans and specifications of any such building to be erected, constructed, enlarged, repaired or altered within the said fire limits to be filed with said building department at least fifteen days before the work on any such building within said fire limits shall be commenced; and by injunction to restrain any attempted violation of any ordinances hereafter adopted by the said board of trustees under the power and authority contained in this subdivision or in subdivision twenty-six of this section.

Plans and specifications to be submitted.

Injunction to restrain violation.

§ 2. This act shall take effect immediately.

Chap. 346.

AN ACT to amend chapter two hundred and twenty of the laws of eighteen hundred and sixty-six, being the charter of the village of Saratoga Springs, and to enable the trustees of said village to raise moneys for certain purposes.

Became a law April 20, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The board of trustees of the village of Saratoga Springs is hereby authorized to appropriate to the Saratoga hospital, for the care, support and maintenance of such inmates of said hospital as may be received and retained therein pursuant to rules established by the state board of charities, in addition to the amounts now authorized by law, the further sum of fifteen hundred dollars. Such appropriation shall be made only in case said hospital shall establish a general operating room for surgical cases, where any regular physician or surgeon of the village of Saratoga Springs may take his private patients and operate upon them under the same rules and regulations as the regular surgical staff of said hospital.

Additional appropriation for hospital.

§ 2. This act shall take effect immediately.

Chap. 347.

AN ACT to amend chapter two hundred and sixty-two of the laws of eighteen hundred and fifty-five, entitled "An act revising and amending an act entitled 'An act to incorporate the village of Ulster,'" and the acts amendatory thereof.

Became a law April 20, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Charter
amended.

Section 1. Sections twenty-three and thirty-seven of chapter two hundred and sixty-two of the laws of eighteen hundred and fifty-five, entitled "An act revising and amending an act entitled 'An act to incorporate the village of Ulster,'" and the acts amendatory thereof, are hereby amended to read as follows:

Village
tax.

§ 23. The directors shall have power to raise by tax, upon the taxable inhabitants of said village and the property therein liable to taxation, such sum of money as they shall deem proper, but not to exceed the sum of four thousand dollars in any one year to be expended in the payment of the debts and expenses of the corporation and to carry into effect the several powers and privileges granted by this act.

§ 2. Section thirty-seven is hereby amended to read as follows:

Poll tax.

§ 37. The board of directors shall have power to assess and collect a poll tax of one dollar on each male resident in the village, above the age of twenty-one years, excepting all honorably discharged soldiers and sailors who lost an arm or a leg in the service of the United States, during the late war, or who are unable to perform manual labor by reason of injuries received or disabilities incurred in such service, persons seventy years of age, clergymen and priests of every denomination, paupers, idiots and lunatics. The said board of directors shall also have power in any one year, in addition to the poll tax, to raise by tax such sum as they may deem necessary, not exceeding in any one year the sum of four thousand dollars, on the assessed valuation of such village, to be denominated a highway tax, to work and improve the roads, avenues, streets, public squares and parks, lanes and crosswalks of said village, on all persons and incorporated companies, owning property and estate, real and personal, in said village to be assessed and collected as all other taxes are by the provisions of this act. The

Highway
tax.

money so raised, with the proceeds of the poll tax, shall be devoted to the purposes expressed in this section, and to pay the salary of the street commissioner and kept apart as a separate and distinct fund by the treasurer.

§ 3. This act shall take effect immediately.

Chap. 348.

AN ACT to amend the banking law, in relation to the investment of the deposits and income of building and loan associations.

Became a law April 20, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Chapter six hundred and eighty-nine of the laws of eighteen hundred and ninety-two, entitled "An act in relation to banking corporations," as amended by chapter seven hundred and five of the laws of eighteen hundred and ninety-four, is hereby amended by adding at the end of article five thereof a new section to be section one hundred and ninety-five-a thereof and to read as follows:

§ 195a. Investment of deposits and income. A co-operative savings and loan association, or a building and loan association, incorporated under and doing business pursuant to the laws of this state, may invest its deposits and the income derived therefrom in the same securities in which savings banks are, by section one hundred and sixteen of this chapter, authorized to invest their deposits and the income derived therefrom.

§ 2. This act shall take effect immediately.

Chap. 349.

AN ACT to amend the county law, relating to the designation of newspapers for publication of session laws.

Became a law April 20, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section nineteen of chapter six hundred and eighty-six of the laws of eighteen hundred and ninety-two, entitled "An

act in relation to counties, constituting chapter eighteen of the general laws," is hereby amended so as to read as follows:

§ 19. Designation of newspapers for the publication of session laws. The members of the board of supervisors in each county representing, respectively, each of the two principal political parties into which the people of the county are divided, or a majority of such members representing, respectively, each of such parties, shall designate in writing a paper fairly representing the political party to which they respectively belong, regard being had to the advocacy by such paper of the principles of its party and its support of the state and national nominees thereof, and to its regular and general circulation in the towns of the county, to publish the session laws and concurrent resolutions of the legislature required by law to be published, which designation shall be signed by the members making it and filed with the clerk of the board of supervisors. If a majority of the members of the board representing either of such parties can not agree upon a paper or shall fail to make a designation of a paper or papers as above provided, then in such case the paper or papers last previously designated in behalf of the party or parties whose representatives, or a majority of them, have failed to agree shall be held to be duly designated to publish the laws for that year, and any designation of a paper or papers made contrary to the provisions of this section shall be void. If there shall be but one paper published in the county, then, in that case, the laws shall be published in that paper. If either of the two principal parties into which the people of the county are divided shall have no representative among the members of the board of supervisors, then it shall be the duty of the board of supervisors, by resolution to designate a paper fairly representing such political party to publish such laws. The clerk of each board of supervisors as soon as such designation is made shall forward to the secretary of state a notice stating the name and address of such newspapers as have been selected for the publication within the county of the laws and concurrent resolutions of the legislature, or if there is but one newspaper in such county he shall before the first day of January in each year, forward to the secretary of state a notice stating the name and address of such newspaper, and that it is the only newspaper published in the county.

§ 2. This act shall take effect immediately.

Chap. 350.

AN ACT to amend the highway law, in relation to the assessment for unperformed labor.

Became a law April 20, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Sections sixty-six and sixty-seven of chapter five hundred and sixty-eight of the laws of eighteen hundred and ninety, entitled "An act in relation to highways, constituting chapter nineteen of the general laws," are hereby amended to read as follows:

§ 66. Assessment for unperformed labor. Every overseer of highways shall between the fifteenth day of September and the first day of October of each year, make out and deliver to the commissioner of highways of his town, a list of all persons and corporations who have not worked out, or commuted for their highway assessment, with the number of days not worked or commuted for by each, charging for each day in such a list, at the rate of one dollar and fifty cents per day; and also a list of all the lands of non-residents and persons unknown, which were assessed on his warrant by the commissioners of highways, or added by him, on which the labor assessed has not been performed or commuted for, and the number of days' labor unpaid by each, charging for the same at the rate of one dollar and fifty cents per day, which list shall be accompanied by the affidavit of the overseer, that he has given the notice required, to appear and work, and that the labor specified in the list returned, has not been performed or commuted, and it shall be the duty of the commissioner of highways to collect and present such lists to the town board of his town at the meeting held on the Thursday next preceding the annual meeting of the board of supervisors. The town board shall certify the amount of unpaid taxes so returned to them by the commissioner of highways to the board of supervisors.

§ 67. Penalty for refusal of overseer to provide list. If any overseer shall refuse or neglect to deliver such list to the commissioner of highways, or to make the affidavits herein

directed, he shall for every such offense, forfeit the sum of ten dollars and the amount of taxes for labor remaining unpaid, at the rate of one dollar for each day assessed. The commissioner of highways shall, in case of such refusal or neglect, recover such penalty and apply the amount recovered in making and improving the highways and bridges of the delinquent overseer's district.

§ 2. This act shall take effect immediately.

Chap. 351.

AN ACT to amend the highway law, relating to the payment of money by the state for aid to towns in repairing highways, when the money system is adopted by such towns.

Became a law April 20, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section fifty-three of chapter five hundred and sixty-eight of the laws of eighteen hundred and ninety, entitled "An act in relation to highways, constituting chapter nineteen of the general laws," as amended by chapter four hundred and twelve of the laws of eighteen hundred and ninety-three, is hereby further amended to read as follows:

§ 53. Annual tax under money system; certain villages exempt therefrom. Any town voting in favor of the money system, shall annually raise by tax, to be levied and collected the same as other town taxes, for the repair of the highways, an annual sum of money, which shall be equal to at least one-half the value at the commutation rates, of the highway labor which should be assessable under the labor system; but in any town in which there may be an incorporated village, which forms a separate road district, and wherein the roads and streets are maintained at the expense of such village, all property within such village shall be exempt from the levy and collection of such tax for the repair of highways of such town; and the assessors of such town are hereby required to indicate on the assessment roll the property included in such incorporated village, in a column separate from that containing a list of the property in the town not included in such village; and shall also place on the assessment roll the

names of all persons liable to poll tax who are not residents of such village, and the board of supervisors are directed to levy a tax of one dollar on each person liable to poll tax as thus indicated; but this act shall not apply to assessments made for damages and charges for laying out or altering any road, or for erecting or repairing any bridge in such town. The amount of such tax shall be determined by the commissioners of highways and the town board, who shall certify the same to the board of supervisors, the same as any other town charge. The clerk of the board of supervisors of each county containing a town which has voted for the money system shall, on or before the first day of January of each year transmit to the state comptroller a statement certified by him, and signed and verified by the chairman of such board, stating the name of each town so voting, and the amount of money tax levied therein for the repair of highways during the preceding year. The comptroller shall draw his warrant upon the state treasurer in favor of the treasurer of the county in which such town is situated, for an amount equal to twenty-five per centum of the amount so levied in each town. The county treasurer shall pay out the amount so paid to him on account of the money tax levied in any such town upon the order of the highway commissioner thereof, to be used by him, for the repair and permanent improvement of such highways therein, and in such manner as the commissioner of highways and town board may determine. The sum paid by the state to any town by virtue of this section shall not exceed, in any one year, one-tenth of one per centum of the taxable property of such town.

§ 2. This act shall take effect immediately.

Chap. 352.

AN ACT to amend the highway law, relating to the removal of stone from highways.

Became a law April 20, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision five of section twenty of chapter five hundred and sixty-eight of the laws of eighteen hundred and ninety, entitled "An act in relation to highways, constituting

chapter nineteen of the general laws," is hereby amended to read as follows:

5. Cause all loose stone lying in the beaten track of every highway within his district, to be removed once in every month, from the first day of April until the first day of December, in each year. Stones so removed shall not be thrown into the gutter, nor into the grass adjoining such highways, but they shall be conveyed to some place, from which they will not work back or be brought back into the track by the use of road machines or other implements used in repairing such highways.

§ 2. Article seven of the highway law is hereby amended by adding at the end thereof a new section to be know as section one hundred and sixty-five and to read as follows:

§ 165. Stone and rubbish not to be dumped in highways. No stone or other rubbish shall be drawn to and deposited within the limits of any highway, except for the purpose of filling in a depression or otherwise improving the highway, with the consent of the commissioner of highways and under the direction of a commissioner or overseer of highways.

§ 3. This act shall take effect immediately.

Chap. 353.

AN ACT to amend the highway law, in relation to assessment for highway labor.

Became a law April 20, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision two of section thirty-three of chapter five hundred and sixty-eight of the laws of eighteen hundred and ninety, entitled "An act in relation to highways, constituting chapter nineteen of the general laws," is hereby amended to read as follows:

2. Every male inhabitant being above the age of twenty-one years (excepting all honorably discharged soldiers and sailors who lost an arm or a leg in the service of the United States, during the late war, or who are unable to perform manual labor by reason of injuries received, or disabilities incurred in such service, members of any fire company formed or created pursuant to any statute and situated within such town, persons seventy years

of age, clergymen and priests of every denomination, paupers, idiots and lunatics) shall be assessed at least one day.

§ 3. This act shall take effect immediately.

Chap. 354.

AN ACT to amend section one hundred and fifteen of chapter four hundred and eighteen of the laws of eighteen hundred and ninety-seven, entitled "An act in relation to liens, constituting chapter forty-nine of the general laws," relative to law books and safes.

Became a law April 20, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one hundred and fifteen of chapter four hundred and eighteen of the laws of eighteen hundred and ninety-seven, is hereby amended to read as follows:

§ 115. Preceding section not to apply to certain articles.

The preceding sections of this article do not apply to the conditional sale of household goods, law books, law blanks, and law office supplies, pianos, organs, safes, scales, butcher's and meat market tools and fixtures, wood cutting machinery, engines, dynamos, boilers, portable furnaces, boilers for heating purposes, threshing machines, horse powers, mowing machines, reapers, harvesters, grain drills and attachments, dairy sizes of centrifugal cream separators, coaches, hearses, carriages, buggies, phaetons, and other vehicles, bicycles, tricycles, and other devices for locomotion by human power, if the contract for the sale thereof is executed in duplicate, and one duplicate delivered to the purchaser.

§ 2. This act shall take effect immediately.

Chap. 355.

AN ACT to amend the public health law, and the act amendatory thereof, in relation to the practice of dentistry.

Became a law April 20, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The first paragraph of article nine of chapter six hundred and sixty-one of the laws of eighteen hundred and ninety-

three, entitled "An act in relation to the public health, constituting chapter twenty-five of the general laws," as amended by chapter six hundred and twenty-six of the laws of eighteen hundred and ninety-five, is hereby amended so as to read as follows:

Definitions, as used in this article. The terms university, regents and physicians, have respectively the meaning defined in article eight of this chapter. Board, where not otherwise limited, means the state board of dental examiners of the state of New York. Registered medical or dental school means a medical or dental school, college or department of a university, registered by the regents as maintaining a proper educational standard and legally incorporated. Examiner, where not otherwise qualified, means a member of the board. State Dental Society, means the Dental Society of the State of New York.

§ 2. The third subdivision of section one hundred and sixty-two of said act, as amended by chapter six hundred and twenty-six of the laws of eighteen hundred and ninety-five, is hereby amended so as to read as follows:

Licenses. On certification by the board of dental examiners that a candidate has successfully passed the examination and is competent to practice dentistry, the regents shall issue to him their license so to practice pursuant to the rules established by them. Upon the recommendation of the board, the regents may also, without the examination hereinbefore provided for, issue their license to any applicant therefor who shall furnish proof satisfactory to them that he has been duly licensed to practice dentistry in any state or country after full compliance with the requirements of its dental laws, and has been thereafter lawfully and reputably engaged in such practice for five years next preceding his application; or who holds a license to practice dentistry in any other of the United States granted by a state board of dental examiners, endorsed by the Dental Society of the State of New York, provided, that in either case his preliminary and professional education shall have been not less than that required in this state. The regents may also license any applicant on the certificate of the board that, after due investigation or examination, it finds his education and professional attainments and experience of not less than five years in actual practice to be together fully equal to the requirements for license in this state.

Every license so issued shall state upon its face the grounds upon which it is granted, and the applicant may be required to furnish his proofs upon affidavit.

§ 3. The first paragraph of section one hundred and sixty-four of said act, as amended by chapter six hundred and twenty-six of the laws of eighteen hundred and ninety-five, is hereby amended so as to read as follows:

(a) A person who, in any county of this state, practices or holds himself out to the public as practicing dentistry, not being at the times of said practice or holding out, a dentist licensed to practice as such in this state and registered in the office of the clerk of such county pursuant to the general laws regulating the practice of dentistry, is guilty of a misdemeanor and punishable upon conviction of a first offense by a fine of not less than fifty dollars, and upon conviction of a subsequent offense by a fine of not less than one hundred dollars or by imprisonment for not less than two months or by both such fine and imprisonment. Any violation of this section by a person theretofore convicted under the then existing laws of this state of practicing dentistry without license or registration shall be included in the term a subsequent offense. Every conviction of unlawful practice or holding out subsequent to a first conviction thereof shall be a conviction of a second offense. Every practitioner of dentistry must display in a conspicuous place upon the house or in the office wherein he practices his full name. If there are more chairs than one in any office or "dental parlor" the name of the practitioner using each chair must be displayed on or by said chair in plain sight of the patient. Any person who shall practice dentistry without displaying his name as herein prescribed; and any proprietor, owner, or manager of a dental office, establishment or parlor who shall fail so to display or cause to be displayed the name of each person employed as a practicing dentist or practicing as a dentist in said office, establishment or parlor, is guilty of a misdemeanor and punishable upon a first conviction by a fine of fifty dollars and upon every subsequent conviction by a fine of not less than one hundred dollars or by imprisonment for not less than sixty days, or by both fine and imprisonment.

§ 4. This act shall take effect immediately.

Chap. 356.

AN ACT to amend chapter five hundred and eighty-nine of the laws of eighteen hundred and sixty-eight, entitled "An act to incorporate the Chateaugay Water Works Company."

Became a law April 20, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Charter amended.

Section 1. Section seventeen of chapter five hundred and eighty-nine of the laws of eighteen hundred and sixty-eight, entitled "An act to incorporate the Chateaugay Water Works Company," is hereby amended to read as follows:

Furnishing water to village.

§ 17. Said company shall furnish water to the village of Chateaugay for extinguishing fires and other purposes required by the village upon such terms as may be agreed upon between the said village, through its board of trustees, and the company, and in case they can not agree upon such terms said village, by its board of trustees, or said water company, may apply, on eight days' notice, by petition to the supreme court of this state, at any special term thereof, for the appointment of three commissioners to prescribe the term upon which water shall be so furnished. Such commissioners shall take and subscribe the constitutional oath of office.

Appointment of commissioners upon non-agreement of terms.

Powers and duties of commissioners.

Any of them may issue subpoenas and administer oaths to witnesses; a majority of them may adjourn the proceeding before them from time to time in their discretion. Whenever they meet, except pursuant to an adjournment, at least eight days' notice of said meeting shall be given to said village or its attorney appearing in such proceedings, and to said water company, or its said attorney so appearing. They shall hear the proofs and the allegations of the parties and reduce the testimony taken by them to writing, and after the testimony is closed they, or a majority of them, all being present, shall without unnecessary delay determine in writing the terms upon which water shall be furnished by said company to said village, as aforesaid, and fix the amount to be paid by said village to said company for such water and provide the time of payment. Upon filing the report of said commissioners in the Franklin county clerk's office, made as aforesaid, any party may move for its confirmation at a special term of said court held in the district upon

Confirmation of report.

notice to the other party, and upon such motion the court may confirm the report, or may set it aside for irregularities or for error of law in the proceedings before the commissioners, or upon the ground that the amount thereby determined upon is excessive or insufficient. If the report is set aside, the court shall appoint new commissioners and direct a new hearing before them, and the proceedings upon said rehearing shall be conducted in the manner prescribed for the original hearing, and the same proceedings shall be had for the confirmation of the second, or such other report, as are herein prescribed for the confirmation of the first report. If the report is confirmed the court shall enter a final order in the proceedings directing that it be confirmed and be complied with by the respective parties. Either party may appeal therefrom to the appellate division of the supreme court within the time and in the manner prescribed by law for appealing from orders of the special term. At any time before the appointment of such commissioners, the village may make and serve on the company a written offer of a specified sum which it is willing to pay for water supplied by such company, which written offer must within ten days thereafter be filed in the office of the clerk of the county of Franklin, and which can not be given in evidence before the commissioners, or considered by them. The company may at the time of the presentation of the petition hereinbefore provided, or at any time previous, serve a notice in writing of the acceptance of such offer, and thereupon the said company may upon filing in said clerk's office the said written offer and acceptance, enter an order in said clerk's office in accordance with said written offer, which shall have the same force and effect as a report of the commissioners hereinbefore provided for duly confirmed. If the offer is not accepted, and the compensation awarded by the commissioners does not exceed the amount of the offer, the costs of the proceedings as in an action in the supreme court shall be chargeable against such company and paid by them. If the compensation awarded shall exceed the amount of the offer, or if no offer was made, the court shall in the final order direct that said water company recover of the said village the costs of the proceedings, to be taxed by the said county clerk at the same rate as allowed in an action in the supreme court. The said company shall furnish water to said village upon the terms so prescribed for the period of three years. At the expiration of which time, unless said village and said water company agree to continue said terms for a period of three years longer, a

Appeal.

Offer by village.

Acceptance by company.

Costs of proceedings.

New commission at expiration of term.

Agreement
between
individu-
als, etc.

new commission shall be applied for as herein provided, and thereafter once in three years a like application may be made. The company may make any agreements, contracts, grants and leases for the sale, use and distribution of water that may be agreed upon between said company and any individuals, associations and corporations, which agreements, contracts, grants and leases shall be valid and effectual in law.

§ 2. This act shall take effect immediately.

Chap. 357.

AN ACT to amend chapter nine hundred and twenty-four of the laws of eighteen hundred and seventy-one, entitled "An act to incorporate the United States Mortgage Company," and the acts amendatory thereof, relating to the qualifications of directors.

Became a law April 20, 1898, with the approval of the Governor.
Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Charter
amended.

Section 1. Section ten of chapter nine hundred and twenty-four of the laws of eighteen hundred and seventy-one, as amended by chapter twenty-seven of the laws of eighteen hundred and ninety-one, and by chapter two hundred and twenty-six of the laws of eighteen hundred and ninety-four, is hereby amended to read as follows:

Directors
of com-
pany.

§ 10. The number of directors of said company shall not be less than eleven nor more than twenty-one, and the number may be changed or fixed within those limits, from time to time, by the board of directors. The board of directors chosen at said first election shall hold office five years, and until their respective successors are chosen; thereafter the directors shall retire at such times as the board shall direct, and the board shall have power to fill vacancies in its own number. No person shall be a director unless he shall own at least ten shares of the stock of the company. A majority of the board shall, at all times, be residents of the state of New York. The by-laws of the company may prescribe what number, not less than six, shall be a quorum of the board.

Qualifica-
tions.

Quorum.

§ 2. This act shall take effect immediately.

Chap. 358.

AN ACT to amend the religious corporations law, generally.

Became a law April 20, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section thirty of article two of chapter seven hundred and twenty-three of the laws of eighteen hundred and ninety-five, entitled "An act in relation to religious corporations, constituting chapter forty-two of the general laws," and known as the religious corporations law, is hereby amended so as to read as follows:

§ 30. The meeting for incorporation. Notice of a meeting for the purpose of incorporating an unincorporated Protestant Episcopal parish or congregation, and of electing the first church wardens and vestrymen thereof, shall specify the object, time and place of such meeting, and shall be made public for at least two weeks prior to such meeting, either by open reading of such notice in time of divine service, at the usual place of worship of such parish or congregation, or by posting the same conspicuously on the outer door of such place of worship. Only men of full age who have been regular attendants at the worship of such parish or congregation and contributors to the support thereof for one year next prior to such meeting, or since the establishment of such parish or congregation, shall be qualified to vote at such meeting. The presence of at least six persons qualified to vote thereat shall be necessary to constitute a quorum of such meeting. The action of the meeting upon any matter or question shall be decided by a majority of the qualified voters voting thereon, a quorum being present. The officiating minister, or if there be none, or he shall be necessarily absent, any other person qualified to vote at the meeting, who is called to the chair, shall preside thereat. Such presiding officer shall receive the votes, be the judge of the qualifications of voters, and declare the result of the votes cast at such meeting. The polls of the meeting shall remain open for one hour or longer in the discretion of the presiding officer, or if required by a vote of a majority of the voters present. The meeting shall decide whether such unincorporated parish or congregation shall

become incorporated. If such decision be in favor of incorporation, such meeting shall decide upon the name of the proposed corporation; what secular day of the week beginning with the first Sunday in Advent, shall be the date of the regular annual election; whether the vestrymen thereof shall be three, six or nine; and shall elect by ballot from the persons qualified to be voters thereat, who have been baptized, one-third of the number of vestrymen so decided upon to hold office until the first annual election to be held thereafter, one-third of such number, to hold office until one year after such annual election, and one-third of such number, to hold office until two years after such annual election; and shall elect from such qualified voters who are communicants in the Protestant Episcopal Church, two persons to be church wardens thereof, one to hold office until such annual election, and one to hold office until one year after such annual election.

§ 2. Section thirty-one of said article is hereby amended so as to read as follows:

§ 31. The certificate of incorporation. If such meeting shall decide in favor of incorporation and comply with the next preceding section, the presiding officer of such meeting and at least two other persons present and voting thereat, shall execute and acknowledge a certificate of incorporation setting forth:

1. The fact of the calling and holding of such meeting;
2. The name of the corporation as decided upon thereat;
3. The county, and the town, city or village, in which its principal place of worship is, or is intended to be located;
4. The day of the week commencing with the first Sunday in Advent upon which the annual election shall be held.
5. The number of vestrymen decided upon at such meeting;
6. The names of the vestrymen elected at such meeting and the term of office of each;
7. The names of the churchwardens elected at such meeting and the term of office of each.

On filing such certificate in the office of the clerk of the county so specified therein the churchwardens and vestrymen so elected and their successors in office, together with the rector, when there is one, shall form a vestry and shall be the trustees of such church or congregation; and they and their successors shall thereupon, by virtue of this act, be a body corporate by the name or title expressed in such certificate, and shall have power, from time to time, to adopt by-laws for its govern-

*ance. Such corporation shall be an incorporated church, and may be termed also an incorporated parish.

§ 3. Section thirty-two of said article is hereby amended so as to read as follows:

§ 32. Corporate trustees, vestry; powers and duties thereof. No meeting of the vestry or trustees of any incorporated Protestant Episcopal parish or church shall be held unless either all the members thereof are present, or three days' notice thereof shall be given to each member thereof, by the rector in writing either personally or by mail, or, if there be no rector or he be incapable of acting, by one of the churchwardens; except that twenty-four hours' notice of the first meeting of the vestry or trustees after an annual election shall be sufficient, provided such meeting be held within three days after the election. To constitute a quorum of the vestry or board of trustees there must be present either:

1. The rector, at least one of the churchwardens and a majority of the vestrymen; or,

2. The rector, both churchwardens and one less than a majority of the vestrymen; or,

3. If the rector be absent from the diocese and shall have been so absent for over four calendar months, or if the meeting be called by the rector and he be absent therefrom, or be incapable of acting, one churchwarden and a majority of the vestrymen, or both churchwardens and one less than a majority of the vestrymen.

But if there be a rector of the parish, no measure shall be taken, in his absence, in any case, for effecting the sale or disposition of the real property of the corporation, nor for the sale or disposition of the capital or principal of the personal property of the corporation, nor shall any act be done which shall impair the rights of such rector. The presiding officer of the vestry or trustees shall be the rector, or if there be none, or he be absent, the churchwarden who shall be called to the chair by a majority of the votes, if both the churchwardens be present; or the churchwarden present, if but one be present. At each meeting of the vestry or trustees each member thereof shall be entitled to one vote. The vestry shall have power to fill a vacancy occurring in the office of a churchwarden or vestryman by death, resignation or otherwise than by expiration of term,

* So in the original.

until the next annual election at which, if such vacancy would continue thereafter, it shall be filled for the remainder of the unexpired term. The vestry may, subject to the canons of the Protestant Episcopal Church in the United States, and of the diocese in which the parish or church is situated, by a majority vote, elect a rector to fill a vacancy occurring in the rectorship of the parish, and may fix the salary or compensation of the rector.

§ 4. Section thirty-three of said act is hereby amended so as to read as follows:

§ 33. Annual elections of incorporated Protestant Episcopal parishes. The annual election of a Protestant Episcopal parish, hereafter incorporated, shall be held on the secular day in the week commencing with the first Sunday in Advent, designated in its certificate of incorporation. The annual election of an incorporated Protestant Episcopal parish or church heretofore incorporated shall be held on the day fixed for such annual election, by or in pursuance of law, or if no such date be so fixed, then on the Monday next after the first Sunday in Advent. Notice of such annual election shall be read by the rector of the parish, or if there be none, or he be absent, by the officiating minister or by a churchwarden thereof, on each of the two Sundays next preceding such election, in the time of divine service, or if, for any reason, the usual place of worship of the parish be not open for divine service, the notice shall be posted conspicuously on the outer door of the place of worship for two weeks next preceding the election. Such notice shall specify the place, day and hour of holding the election, the name and term of office of each churchwarden and vestryman whose term of office shall then expire, or whose office shall then be vacant for any cause, and the office for which each such officer is to be then elected. The meeting for such annual election, shall be held immediately after morning service. The presiding officer of such meeting shall be the rector thereof, if there be one, or if there be none, or he be absent, one of the churchwardens elected for the purpose by a majority of the duly qualified voters present, or if no churchwarden be present, a vestryman elected in like manner. Such presiding officer shall be the judge of the qualifications of the voters; shall receive the votes cast; and shall declare the result of the votes cast at such election. The presiding officer of such meeting shall enter the pro-

ceedings of the meeting in the book of the minutes of the vestry, sign his name thereto, and offer the same to as many qualified voters present as he shall think fit, to be also signed by them. Only men of full age belonging to the parish, who have been regular attendants at its worship and contributors to its support for at least twelve months prior to such election or since the establishment of such parish, shall be qualified voters at any such election. The action of the meeting upon any matter or question shall be decided by a majority of the qualified voters voting thereon. The polls of the election shall continue open for one hour, and longer, in the discretion of the presiding officer, or, if required, by a vote of a majority of the qualified voters present and voting. The churchwardens and vestrymen shall be elected by ballot from persons qualified to vote at such election, and no person shall be eligible for election as churchwarden, unless he be also a communicant in the Protestant Episcopal church, nor be eligible for election as vestryman, unless he shall have been baptized. At each annual election of an incorporated Protestant Episcopal parish hereafter incorporated, one churchwarden shall be elected to hold office for two years; and one-third of the total number of the vestrymen of the parish shall be elected to hold office for three years. At each annual election of an incorporated Protestant Episcopal parish or church heretofore incorporated two churchwardens and the total number of its vestrymen shall be elected to hold office for one year thereafter, unless the terms of office of but one churchwarden or of but one-third of its vestrymen shall then expire, in which case one churchwarden shall be elected to hold office for two years, and one-third of the total number of its vestrymen shall be elected to hold office for three years. Each churchwarden and vestryman shall hold office after the expiration of his term until his successor shall be chosen.

§ 5. Section thirty-four of said article is hereby amended so as to read as follows:

§ 34. Changing the number of vestrymen of Protestant Episcopal parishes hereafter incorporated. If the vestry of a Protestant Episcopal parish, hereafter incorporated, shall, by resolution, recommend that the number of vestrymen of such parish be changed to either three, six or nine vestrymen, notice of such recommendation shall be included in the notice of the next

annual election of such parish, and be submitted to the meeting. If such recommendation be ratified by such meeting, the presiding officer thereof, and at least two qualified voters present thereat, shall execute and acknowledge a certificate setting forth such resolution of the vestry, the fact that notice thereof had been given with the notice of such annual election; that the meeting had ratified the same; and the number of vestrymen so decided on. Such certificate shall be filed in the office of the clerk of the county in which the original certificate of incorporation is filed and recorded, and such change in the number of vestrymen shall take effect at the time of the next annual election thereafter. If the number of vestrymen be thereby increased, then, in addition to the number of vestrymen to be elected at such annual election, one-third of such increased number of vestrymen shall be elected to hold office for one year thereafter, one-third of such increased number shall be elected to hold office for two years thereafter, and one-third of such increased number shall be elected to hold office for three years thereafter. If the number of vestrymen by such change be reduced, such reduction shall not affect the term of office of any vestryman duly elected, and at such next annual election, and at each annual election thereafter, one-third of such reduced number of vestrymen shall be elected to hold office for three years.

§ 6. Section thirty-five of said article is hereby amended so as to read as follows:

§ 35. Changing date of annual election, number and terms of office of vestrymen and terms of office of churchwardens in Protestant Episcopal churches heretofore incorporated. If the vestry of a Protestant Episcopal parish, heretofore incorporated, shall by resolution, recommend that the date of the annual election be changed to a secular day in the week beginning with the first Sunday in Advent, or that the number of vestrymen be changed to three, six or nine, and that the terms of office of the churchwardens be changed so that one warden shall be elected annually, notice of such recommendation or recommendations shall be included in the notice of the next annual election of such parish, and be submitted to the meeting. If such recommendation or recommendations be ratified by such meeting, the presiding officer thereof and

at least two qualified voters present thereat, shall execute and acknowledge a certificate setting forth such resolution of the vestry; the fact that notice thereof had been given with the notice of the annual election; that such meeting had ratified the same; the date determined upon for the annual election of the parish; the number of vestrymen so decided on; and the fact that the meeting determined to thereafter elect churchwardens, so that the term of one warden shall expire annually. Such certificate shall be filed in the office of the clerk of the county in which the original certificate of incorporation is filed and recorded. If the meeting determined to change the date of the annual election, the next annual election shall be held on the day in the week beginning with the first Sunday in Advent, determined on by such meeting, and the terms of the vestrymen and churchwardens which, pursuant to law, would expire at the next annual election shall expire and their successors shall be elected on such day. If the meeting determine to change the number of vestrymen and manner of electing wardens and vestrymen, there shall be elected at the first annual election thereafter, one-third of the number of vestrymen so determined on, to hold office for three years; one-third thereof to hold office for two years; and one-third thereof to hold office for one year; and one churchwarden to hold office for one year, and one to hold for two years; and thereafter at the annual election there shall be elected one-third of the number of vestrymen determined on at such meeting and one churchwarden.

. § 7. Section thirty-six of said article is hereby amended so as to read as follows:

§ 36. Changing the qualifications of voters and the qualifications of wardens and vestrymen. If the vestry of a Protestant Episcopal parish heretofore incorporated shall by resolution recommend that the qualifications of voters and the qualifications of wardens and vestrymen be changed to conform in both cases to the requirements of section thirty-three of this statute, notice of such recommendation or recommendations shall be included in the notice of the next annual election of such parish, and be submitted to the meeting. If such recommendation or recommendations be ratified by such meeting the presiding officer thereof and at least two qualified voters present thereat shall execute and acknowledge a certificate setting forth

such resolution of the vestry, the fact that notice thereof had been given with the notice of such annual election, and that the meeting had ratified the same. Such certificate shall be filed in the office of the clerk of the county in which the original certificate of incorporation is filed and recorded.

§ 8. This act shall take effect immediately.

Chap. 359.

AN ACT to amend the state charities law, in relation to the care, custody, discipline and discharge of patients at the Craig Colony.

Became a law April 20, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

State
charities
law
amended.

Section 1. Subdivision five of section one hundred and three of chapter five hundred and forty-six of the laws of eighteen hundred and ninety-six, entitled "An act relating to state charities, constituting chapter twenty-six of the general laws," is hereby amended to read as follows:

By laws,
rules, etc.

5. Establish such by-laws, rules and regulations as they may deem necessary regulating the appointment, powers and duties of officers, teachers, attendants and assistants, fixing the condition of admission, treatment, education, support, custody, discipline and discharge of patients, conducting in a proper manner the business of the colony, and regulating the internal government, discipline and management of the colony.

§ 2. Subdivision five of section one hundred and seven of such act is hereby amended to read as follows:

Discipline
and control
of
patients.

5. Maintain salutary discipline among all employes, patients and inhabitants of the colony, have the custody and control of every patient admitted to the colony until properly discharged, and subject to the regulations of the managers, restrain and discipline any patient in such manner as he may judge is for the welfare of the patient and the proper conduct of the colony, and enforce strict compliance with the instructions and uniform obedience to all the rules and regulations of the colony.

§ 3. This act shall take effect immediately.

Chap. 360.

AN ACT to amend chapter four hundred and thirteen of the laws of eighteen hundred and ninety-seven, entitled "An act relating to state finance, constituting chapter ten of the general laws, and known as the state finance law," in reference to the education fund.

Became a law April 20, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section eighty-one of chapter four hundred and thirteen of the laws of eighteen hundred and ninety-seven, is hereby amended so as to read as follows:

§ 81. **Investments.** The comptroller shall invest and keep invested all moneys belonging to the common school and literature funds in the stocks and bonds of the United States and of this state, or for the payment of which, the faith and credit of the United States or of this state are pledged, or in the stocks or bonds of any county, town, city, village or school district of the state authorized to be issued by law. The comptroller, whenever he deems it for the best interests of such funds, or either of them, may dispose of any of the securities therein or investments thereof, in making other investments authorized by law, and he may exchange any such securities for those held in any other of such funds, and the comptroller may draw his warrant upon the treasurer for the amount required for such investments and exchanges. The care and disposition of all lands belonging to the literature fund and the common school fund shall be vested in the commissioners of the land office.

§ 2. Section eighty-seven of said act is hereby amended so as to read as follows:

§ 87. **Supervision of existing loan office mortgages.** Such commissioners in each county shall have charge of the mortgages heretofore executed to them or their predecessors in office, on lands in such county, which mortgages shall continue with the same force and effect as if this chapter were not enacted. The rate of interest on such mortgages shall be five per centum per annum. Such commissioners shall collect and receive the interest

arising on any such mortgage, and in case of failure to pay such interest when due, may foreclose such mortgage by such actions or proceedings as other mortgages may be foreclosed by their name as "the commissioners for loaning certain moneys of the United States of the county," of which they are respectively commissioners, and they shall be named and described by such name and style in all legal and other proceedings which may be had under the provisions of this act. Such commissioners shall receive payment of the principal or any part thereof of any such mortgage on lands within their respective counties when tendered and shall satisfy and discharge the same by the execution and acknowledgment of a satisfaction piece in the usual form, which shall be recorded by the county clerk, who shall thereupon write upon the margin of such mortgage, in the book containing the same in his office, a statement to the effect that the same has been discharged and satisfied by such commissioners, giving the date thereof. Such commissioners may allow any such mortgage to remain as a continuing security if all interest due thereon has been paid, and they are satisfied, on due inquiry, that the same is a first lien on the premises described therein, and that such premises are worth double the amount paid on the mortgage. If not so satisfied, they shall report the facts to the comptroller, and if directed so to do by him, they shall proceed to foreclose such mortgage and collect the principal and interest due thereon. On or before the first Tuesday in November in each year, the commissioners shall pay to the treasurer of the state the amount of moneys in their hands, received on account of the interest of the moneys in their charge, less the amount which they are entitled to retain for their compensation, costs, disbursements and expenses. Any moneys in the hands of the said commissioners as part of the principal of the said fund, they may, from time to time, loan out to the inhabitants of their respective counties on mortgage on improved lands in the same county. The said mortgage shall contain the usual covenants as to the payment of insurance, interest and taxes. The said commissioners, respectively, before they accept a mortgage on lands for any of said moneys, shall be satisfied that the borrower has a title in fee to such lands, and that the same are free and clear of all incumbrances and are worth double the amount of the sum loaned, exclusive of buildings and of the value of the rent in perpetuity, if any charged thereon; and whenever the said com-

missioners shall deem it necessary they shall, in addition to the examinations for that purpose hereinafter directed to be made, require the borrower to satisfy them by proper evidence that he possesses an estate in fee in such lands free and clear of all incumbrances. The said commissioners shall loan the said moneys in sums not exceeding the sum of two thousand dollars, except in The City of New York, and in that city in sums not exceeding the sum of five thousand dollars; and in the several counties, except in The City of New York, in sums not under two hundred dollars, and in that city not under five hundred dollars. The interest of the moneys to be loaned as aforesaid, shall be payable annually on the first Tuesday of October in each and every year, and the said moneys shall be loaned on a credit of not exceeding five years, subject, however, to the condition of being called in, the one half on a previous notice of one year, and the remainder on a previous notice of two years.

§ 3. Section eighty-nine of said act is hereby amended so as to read as follows:

§ 89. Power of commissioners to maintain actions. The commissioners may, at any time, before the sale of the mortgaged premises, bring an action to restrain the commission of waste by any person upon the mortgaged premises, or to correct any mistake or omission in the description thereof, or to recover the amount due on a mortgage. At any time after default, and before sale, if any person cuts or removes or injures the timber, fences, buildings or other fixtures, belonging to such mortgaged premises, or threatens so to do, they may maintain a like action for damages or an injunction.

§ 4. Section ninety of said act is hereby amended so as to read as follows:

§ 90. Foreclosure and redemption of loan office mortgages. If the interest due on any such mortgage shall not be paid on the first Tuesday of October of any year, or within twenty-three days thereafter, or the principal or any part thereof shall not be paid when due, the state shall be seized of an absolute estate in fee, in such lands, and the mortgagor, his heirs and assigns, shall be foreclosed and barred of all equity of redemption of the mortgaged premises; but shall be entitled to retain possession thereof, until sale under foreclosure, as herein provided; and shall, at any time before the purchaser at such sale receives his evidences of title on the foreclosure, be entitled to redeem the

same by paying to the commissioners the principal unpaid on the mortgage and the interest to the time of redemption, and all the costs and expenses of the foreclosure and sale. On such redemption, the title to the mortgaged premises shall revert to and be vested in the mortgagor, his heirs or assigns. If, before redemption, the purchaser pays to the commissioners, the purchase money, or part thereof, the amount so paid shall be repaid to him. The said commissioners shall, within eight days after the last Wednesday of their attendance as aforesaid, yearly and every year, cause an advertisement to be fixed up at not less than three of the public places of the county where the premises are situated, containing a description of the lands mentioned in the several mortgages foreclosed as aforesaid, and giving notice in such advertisement that on the first Tuesday of February then next, such lands will be sold at the court house of the respective counties where the said lands are situated, at public vendue, to the highest bidder; and the said commissioners shall also cause a copy of such advertisement to be published in at least one of the public newspapers printed in the county, if any such there be, and if there be no newspaper published in such county, then in the nearest paper to said county, successively once in each week, until the day of sale. They shall also serve such advertisement at least fourteen days prior to the time therein specified for the sale, upon the mortgagor, or his personal representatives, or upon his executors or administrators, if any shall have been, at the day of the date of such advertisement, duly appointed by the proceedings of any court, and upon such persons as shall by the records of the office of the county clerk of the county in which said premises or any part thereof are situated, appear to be grantees, lessees or mortgagees of the said premises or any part thereof, and whose conveyance, mortgage or other evidence of right or title shall be upon said records at the date of the first publication of the said advertisement, and upon all persons having a lien or incumbrance upon the said premises or upon any part thereof, by judgment or otherwise, subsequent to such mortgage, and which lien or incumbrance shall, on the day of the date of said advertisement, appear upon the records of the office of the county clerk of the county in which said premises or any part thereof are situated. Such service shall be made by delivering a copy of such advertisement personally to the person to be served or by leaving a copy of said advertisement at the dwell-

ing house of the person to be served, in charge of some person then residing therein, who shall have attained the age of twenty-one years, or by enclosing and sealing the copy of such advertisement in an envelope and plainly addressing the said envelope, on the outside thereof, to the person to be served, by his name, as the same appears on said records, at the post office nearest to his last known place of residence, and by depositing the same so enclosed and sealed in the said envelope, in the post office nearest the residence of the commissioner or commissioners making such service, and by prepaying the postage thereon; and when the service is made personally or by leaving at the dwelling-house as aforesaid, the same shall be made at least fourteen days before the day of sale in such advertisement mentioned; and when the service is by depositing in the post office as aforesaid, the same shall be made at least twenty-eight days before the day of sale mentioned in the said advertisement. The said commissioners of the respective counties aforesaid shall, on the first Tuesday of February, yearly, expose the lands described in the mortgages foreclosed, as aforesaid to sale at public vendue, and upon such sale they shall convey the said lands to the highest bidder or bidders; and they shall also deliver to such bidder or bidders affidavits of the publication, fixing up and service of the said advertisement; and the purchaser or purchasers thereof shall, if the said advertisement shall have been published and fixed and served, as herein required, hold and enjoy such estate in the said lands as was conveyed to the said commissioners by the said mortgages, clearly and absolutely discharged of and from all benefit and equity of redemption, and all other liens or incumbrances made or suffered after the execution of such mortgage by the mortgagor, his heirs or assigns, and such purchaser or purchasers shall pay the commissioners for drawing and executing such conveyance, the sum of one dollar, and said affidavit of the publication of said advertisement shall be made by the publisher of the newspaper in which the same was inserted, or by his principal clerk, or by his foreman; and the said affidavit of such service of such advertisement and of the fixing up of the same, shall be made by any person who made the service or who fixed up the said advertisement. The said commissioners may also foreclose any mortgage executed to them, when in arrears, by an action of foreclosure in the supreme court or in the county court of the county by which said commissioners are appointed, in conformity with the practice in such case made and provided.

§ 5. The comptroller of the state of New York is hereby directed to pay over to the loan commissioners of the various counties of the state of New York, as hereinafter provided, all amounts of principal derived from the United States deposit fund now in his hands. Whenever the loan commissioners of any county shall report to the comptroller that they have approved of a loan secured by mortgage in compliance with the provisions of this act, the comptroller shall thereupon remit to the said commissioners the amount of such loan so to be taken by them, and they shall thereupon invest the same in such mortgage. The comptroller shall pay over the principal of the said United States deposit fund, as may be required from time to time, to the loan commissioners for the respective counties upon their report as above provided until the amount of principal of the said fund received from the respective counties shall have been repaid in full to the loan commissioners of such counties, and such sums so repaid shall be by them invested and reinvested in loans secured by mortgage in compliance with the provisions of this act.

§ 6. Any real estate, the title of which is in the people of the state of New York, through foreclosure of any mortgage taken by any of said loan commissioners, shall be sold by the commissioners of the county in which the same is situated at the best price which can be obtained therefor within three years from the passage of this act; such sale to be had after due advertisement in two papers published in said county at least once a week for six successive weeks, or at private sale provided the amount realized from said sale shall be equal to the principal sum of the mortgage, together with past due interest and the costs of foreclosure and sale; but before the delivery of the deed therefor by said loan commissioners for and on behalf of the people of the state of New York every sale shall be approved in writing by the comptroller of the state of New York; any such sale may be made upon the condition that one-half of the purchase price shall be paid in cash and the other one-half may be secured by the bond of the purchaser and a duly executed mortgage upon the land thus sold, which mortgage shall be held as are other mortgages taken by said commissioners; and any real estate, the title to which the people of the state may hereafter acquire by fore-

closure of any mortgage taken by loan commissioners, shall be sold in the manner above provided within three years from the time the state acquires an absolute title thereto.

§ 7. Any sums of principal received by the said commissioners in any county in which a savings bank is situated shall be forthwith deposited in some savings bank in said county to the credit of said commissioners, and shall there remain until the same is reinvested in mortgage in conformity with the provisions of this act. In any county in which there is no savings bank, the commissioners may deposit any sums of principal received by them in an incorporated bank within said county in which the said commissioners keep their accounts as such; provided, however, that if such moneys are not reinvested in mortgage within sixty days, the said commissioners shall cause the same to be deposited in some savings bank to their credit as such commissioners, where the same shall remain until it can be reinvested in mortgages as provided by this act.

§ 8. This act shall take effect immediately.

Chap. 361.

AN ACT to amend the tax law, relating to payment of state tax.
Became a law April 20, 1898,* with the approval of the Governor.
Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section ninety-one of chapter nine hundred and eight, laws of eighteen hundred and ninety-six, entitled "An act in relation to taxation, constituting chapter twenty-four of the general laws," is hereby amended to read as follows:

§ 91. **Payment of state tax.** The comptroller shall charge each county treasurer with the amount of the state tax levied on his county, except the tax for schools, crediting him with his fees, if any, but no fees shall be allowed by the comptroller for such portion of the state tax as is credited by him for unpaid non-resident taxes. The county treasurer of each county shall, after retaining his fees thereon, at the rate of one per centum thereof, which shall not, however, in any case exceed fifteen hundred dollars, for all taxes for state purposes, including schools, pay

the state tax to the treasurer of the state, as follows: One-third thereof on or before the fifteenth day of February, one-third thereof on or before the fifteenth day of April, and, unless otherwise provided by law, the balance thereof on or before the fifteenth day of May in each year, and notify the comptroller of such payment. If there are not sufficient funds in the county treasury standing to the credit of any town to pay the state tax chargeable thereto, the treasurer shall borrow sufficient money upon the credit of the county and charge the same against such town, with interest thereon, until the same is paid. If any county treasurer shall not pay over the state tax as herein directed, the comptroller shall charge on all sums withheld such rate of interest as shall be sufficient to repay all expenditures incurred by the state in borrowing money equivalent to the amount so withheld, and such additional rate as he shall deem proper, not exceeding ten per centum, from the dates hereinbefore provided for such payments in each year, which shall be regarded as funds in the hands of the county treasurer belonging to the state and for which his sureties and county shall be liable. The fees of the county treasurer for collecting and paying over the school tax shall be allowed and paid by the superintendent of public instruction.

§ 2. This act shall take effect immediately.

Chap. 362.

AN ACT to amend the tax law, in relation to sales for nonpayment of taxes in Saint Lawrence, Lewis and Oneida counties.

Became a law April 20, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Sections one hundred, one hundred and fifty, and one hundred and fifty-one, of chapter nine hundred and eight of the laws of eighteen hundred and ninety-six, entitled "An act in relation to taxation, constituting chapter twenty-four of the general laws," are hereby amended to read as follows:

§ 100. Return of unpaid non-resident taxes. The collector shall return the original assessment-roll to the county treasurer

and when the treasurer finds an account of unpaid non-resident taxes, or unpaid taxes on corporations, received from a collector to be a true transcript of such original assessment-roll to which the collector's warrant is attached, he shall add to it a certificate that he has examined and compared the account with such roll and found it to be correct, and after crediting the collector with the amount thereof, he shall, except in Saint Lawrence, Lewis and Oneida counties, in case his county embraces a portion of the forest preserve, before the first day of April next ensuing, transmit such account, affidavit and certificate to the comptroller, who may before acting thereon return any such account to the county treasurer for correction, who shall make such correction and return to the comptroller in one month thereafter, or as the comptroller may otherwise direct.

§ 150. **When lands to be sold for unpaid taxes.** Whenever any tax charged on non-resident real estate, in the counties of Saint Lawrence, Lewis and Oneida or in a county not including a portion of the forest preserve, is returned to the county treasurer, he shall not return the same to the comptroller, but if such tax, with interest thereon at the rate of ten per centum per annum, computed from the first day of February, after the same is levied, shall remain unpaid for six months from that date, such county treasurer shall advertise and sell such real estate as herein provided for the payment of such tax and interest and the expense of such sale. The expense of publication of the notice of sale and the list of lands to be sold and the expense of conducting the sale shall be a charge on the land liable to be sold and shall be added to the tax and interest.

§ 151. **Advertisement and sale.** The county treasurer shall immediately after the expiration of such six months cause to be published at least once in each week for six weeks, in two newspapers designated for the publication of the session laws, a list of real estate so liable to be sold, together with a notice that such real estate will, on a day at the expiration of said six weeks specified in such notice, and the succeeding days, be sold at public auction at the courthouse in the county where the same is situated, to discharge the taxes, interest and expenses that may be due thereon at the time of such sale. On the day mentioned in such notice the county treasurer shall begin the sale of said real estate and continue the same from day to day. The charge for publishing such notice shall be seventy-five cents per folio for

the first insertion, and fifty cents per folio for each subsequent insertion. The counties of Saint Lawrence, Lewis and Oneida, and the counties of the state other than those in the forest preserve are empowered to acquire and hold such lands. Within twenty days after the time for redemption has expired the county treasurer of each of the counties of Saint Lawrence, Lewis and Oneida shall file with the comptroller a certified statement of all tracts or parcels of land situated in the forest preserve which have been bid in by the county and have not been redeemed, and shall sell and convey to the state any tract or parcel of land specified in such statement, which the comptroller shall designate within six months after such statement is filed, upon the payment of the taxes, interests and expenses due thereon at the time of the sale and also all taxes assessed thereon since such sale, and the comptroller shall draw his warrant on the state treasurer for the amount thereof or credit the county with such amount on the books of his office. After the expiration of such six months, in the counties of Saint Lawrence, Lewis and Oneida, and after the time for redemption has expired in any other county, the county treasurer is authorized in the name of the board of supervisors of the county to sell and convey under his hand and seal such lands as have not been conveyed to the state in the manner and upon such terms as the board of supervisors of the county may direct.

§ 2. This act shall take effect immediately.

Chap. 363

AN ACT to amend the town law and the election law, authorizing the board of supervisors of each county to provide for the holding of town meetings at the time of the general elections.

Became a law April 20, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section ten of chapter five hundred and sixty-nine of the laws of eighteen hundred and ninety, entitled "An act in relation to towns, constituting chapter twenty of the general laws," as amended by chapter four hundred and eighty-one of the laws of eighteen hundred and ninety-seven, is hereby amended to read as follows:

§ 10. Time and place of biennial town meeting. The electors of a town shall, biennially, on the second Tuesday of February, assemble and hold meetings at such place in the towns as the electors thereof at their biennial town meeting shall, from time to time, appoint. If no place shall have been fixed for such meeting, the same shall be held at the place of the last town meeting in the town or election district, when town meetings of a town are held in election districts. The board of supervisors of any county may, by resolution, adopted at an annual meeting of such board, fix a time when the biennial town meetings in such county shall be held, which shall be either on some day between the first day of February and the first day of May, inclusive, or on the first Tuesday after the first Monday in November; and such time, when so fixed, shall not be changed for the period of four years. But such board of supervisors shall not provide for the holding of town meetings on the first Tuesday after the first Monday in November, eighteen hundred and ninety-eight. The biennial town meetings in the towns in each county containing more than three hundred thousand and less than six hundred thousand inhabitants, according to the then last preceding state or federal enumeration, shall be held on the second Tuesday of March, eighteen hundred and ninety-nine, and biennially thereafter on the second Tuesday of March until otherwise directed by the board of supervisors of such county.

§ 2. Sections eleven, twelve and thirteen of such act, as amended by chapter four hundred and eighty-one of the laws of eighteen hundred and ninety-seven, are hereby amended to read as follows:

§ 11. Changing place of biennial town meeting. The electors of a town may, upon the application of fifteen electors therein, to be filed with the town clerk twenty days before a biennial town meeting is to be held, determine at such meeting, by ballot, where future town meetings shall be held. Where town meetings in any town are held in separate election districts, the electors of each district may, at a biennial town meeting, determine by resolution where its future town meetings shall be held. If any place so designated shall thereafter and before the close of the next biennial town meeting, be destroyed, or for any reason become unfit for use, or can not for any reason be used for such purpose, the town board shall forthwith designate some other suitable place for holding such town meeting in said town or election district, as the case may be. The provisions of this section shall

not apply to towns in counties where the town meetings are held at the same time as general elections.

§ 12. **Election of officers.** There shall be elected at the biennial town meeting in each town, by ballot, one supervisor, one town clerk, two justices of the peace, three assessors, one collector, one or two overseers of the poor, one or three commissioners of highways, not more than five constables, and two inspectors of election for each election district in the town; if there shall be any vacancies in the office of justice of the peace, of any town at the time of holding its biennial town meeting, persons shall then also be chosen to fill such vacancies, who shall hold their offices for the residue of the unexpired term for which they are respectively elected. At town meetings in towns held at the same time as general elections, the names of all candidates for town offices shall be voted for in the same manner and on the same ballot as candidates for other offices voted for thereat. At such town meetings no person shall be allowed to vote for candidates for town offices who is not registered and entitled to vote at such general election.

§ 13. **Term of office.** Supervisors, town clerks, assessors, commissioners of highways, collectors, overseers of the poor, inspectors of election and constables, when elected, shall hold their respective offices for two years. But whenever there is or shall be a change in the time of holding town meetings in any town, persons elected to such offices at the next biennial town meeting after such change shall take effect, shall enter upon the discharge of their duties at the expiration of the term of their predecessors, and serve until the next biennial town meeting thereafter or until their successors are elected and have qualified. Whenever the time of holding town meetings in any town is changed to the first Tuesday after the first Monday in November, the town officers elected thereat shall take office on the first day of January succeeding their election. But the collector in each such town shall complete the duties of his office in respect to the collection of taxes, and the payment and return thereof, upon any warrant received by him during his term of office, notwithstanding the election of his successor.

§ 3. Sections twenty-five and twenty-six of such act, as renumbered by chapter four hundred and eighty-one of the laws of eighteen hundred and ninety-seven are hereby amended to read as follows:

§ 25. **Presiding officers of town meetings.** The justices of the peace of each town shall attend every town meeting held therein, except where such town meetings are held at the time of the general elections, and such of them as shall be present shall preside at such meeting, and see that the same is orderly and regularly conducted, and shall have the like authority to preserve order, to enforce obedience and to commit for disorderly conduct, as is possessed by the board of inspectors at a general election. If there be no justice of the peace at such meeting, then such person as shall be chosen for that purpose by the electors present shall preside and possess the like powers as justices; such persons appointed shall take the constitutional oath of office before entering upon his duties as such presiding officer.

§ 26. **Clerk of meeting.** The town clerk last before elected or appointed, or, if he be absent, such person as shall be chosen by the electors present, shall be the clerk of such town meeting, except when held at the time of a general election, and shall keep faithful minutes of its proceedings, in which he shall enter at length every order or direction, and all rules and regulations made by such meeting; such person chosen by the electors present shall take the constitutional oath of office before entering upon his duties as such clerk.

§ 4. Section thirty-six of such act, as renumbered and amended by chapter four hundred and eighty-one of the laws of eighteen hundred and ninety-seven, is hereby amended to read as follows:

§ 36. **Balloting; electors in incorporated village when not to vote on highway questions.** When the electors vote by ballot, except in towns where the biennial town meetings are held at the time of general elections, all the officers voted for shall be named in one ballot, which shall contain written or printed, or partly written or partly printed, the names of the persons voted for, and the offices to which such persons are intending to be elected, and shall be delivered to the presiding officers so folded as to conceal the contents, and shall be deposited by such officers in a box to be constructed, kept and disposed of, as near as may be, in the manner prescribed in the general election law. When any town shall have within its limits an incorporated village, constituting a separate road district, exempt from the supervision and control of the commissioners of highways of the town, and from payment of any tax for the salary or fees of said commis-

sioners, and from payment of any tax for the opening, erection, maintenance and repair of any highway or bridge of said town, without the limits of said village, no residents of such village shall vote at any biennial or special election in such town for any commissioner of highways for said town, nor for or against any appropriation for the opening, laying out, maintenance, erection or repair of any highway or bridge in said town, without the limits of said village. At the biennial elections in such towns, the names of candidates for the office of highway commissioner shall be printed on a different ballot from the one containing the names of candidates for other town officers. Such ballots shall be indorsed "commissioner of highways," and shall be deposited, when voted, in a separate ballot box, which also shall be marked "commissioner of highways." Such ballots and ballot box shall be furnished by the officers now charged by law with that duty at town elections. A poll-list shall be kept by the clerk of the meeting on which shall be entered the name of each person voting by ballot.

§ 5. Article two of such act is hereby amended by adding thereto a new section, to be known as section forty-two, and to read as follows:

§ 42. Town meetings held at the time of general elections; canvass of votes. If, in any town, the biennial town meeting is held at the same time as the general election, such town meeting shall be held in the election districts of such town, and be conducted by the inspectors of election thereof. At the close of the polls at any such town meeting, the inspectors shall proceed to canvass the votes for the candidates for the several town offices in the election districts where such town meeting was held, in the same manner as the votes for other candidates cast at the general election are canvassed. They shall make a statement of the whole number of votes cast for each candidate for a town office and deliver the same to one of the justices of the peace of the town, and such votes shall be recanvassed, the additional inspectors of election in each district shall be appointed, and the result of the election declared as provided by section thirty-eight of this chapter. In case of a contest or other proceeding in which the validity of the election of a town officer in any such town, is in controversy, the ballots cast at any town meeting and election may be examined and recounted, as provided by law, in case of other officers elected at general elections.

§ 6. Section fifty-seven of such act is hereby amended to read as follows:

§ 57. Certificate of election of justices. The town clerk of each town shall, within ten days after the election of a justice of the peace has been declared, transmit to the clerk of his county a certificate showing the result of such election under his hand, which shall be presumptive evidence of the fact therein certified.

§ 7. Subdivision four of section eighty of such act, as amended by chapter four hundred and eighty-one of the laws of eighteen hundred and ninety-seven, is hereby amended to read as follows:

4. On the Tuesday preceding the biennial town meeting and on the corresponding date in each alternate year account with the justices of the peace and town clerk of the town for the disbursement of all moneys received by him. If the biennial town meeting in any town is held at the time of a general election, such account shall be rendered on the third Tuesday of December in each year.

§ 8. Sections one hundred and sixty and one hundred and sixty-one of such act, as amended by chapter four hundred and eighty-one of the laws of eighteen hundred and ninety-seven, are hereby amended to read as follows:

§ 160. Constitution and regular meetings of the town board. The supervisor, town clerk and the justices of the peace, or any two of such justices shall constitute the town board in each town, and shall hold at least two meetings annually at the office of the town clerk, one on the Tuesday preceding the biennial town meeting and on the corresponding date in each alternate year, and the other on the Thursday next preceding the annual meeting of the board of supervisors. If the biennial town meeting in any town is held at the time of a general election, the first meeting shall be held on the third Tuesday of December in each year.

§ 161. Meeting of town board for receiving accounts of town officers. At the meeting of the town board held on the Tuesday preceding the biennial town meeting and on the corresponding date in each alternate year, or on the third Tuesday of December in each year, all town officers who receive or disburse any moneys of the town, shall account with the board for all such moneys received and disbursed by them by virtue of their office, but no mem-

ber of the board shall sit as a member of the board when any account in which he is interested is being audited by the board. The board shall make a statement of such accounts, and append thereto a certificate signed by at least a majority of them, showing the state of the accounts of each officer at the date of the certificate, which statement and certificate shall be filed with the town clerk of the town, and be open to public inspection during the office hours of such town clerk.

§ 9. Sections fifty-eight and fifty-nine of the election law, as amended by chapter three hundred and seventy-nine of the laws of eighteen hundred and ninety-seven, are hereby amended to read as follows:

§ 58. **Places of filing certificates of nomination.** Certificates of nomination of candidates for office to be filled by the electors of the entire state, or of any division or district greater than a county, shall be filed with the secretary of state, except that each certificate of nomination of a candidate for member of assembly for the assembly district composing the counties of Fulton and Hamilton shall be filed in the office of the county clerk of Fulton county, and a copy thereof certified by the county clerk of Fulton county, shall be filed in the office of the county clerk of Hamilton county, so long as the said counties constitute one assembly district and except that certificates of nomination of candidates for offices to be filled only by the electors of a portion of the electors of The City of New York shall be filed with the police board of The City of New York, in the office of the superintendent of elections. Certificates of nominations of candidates for offices to be filled only by the votes of electors, part of whom are of New York City and part of whom are of a county not wholly within The City of New York shall be filed with the clerk of such county and in the office of the superintendent of elections and with the police board of said city. Certificates of nomination of candidates for offices of any other city, or for officers of a village or town, to be elected at a different time from a general election, shall be filed with the clerk of such city, village or town, respectively. In towns in which town meetings are held at the time of general elections, certificates of nominations of candidates for town offices shall be in duplicate, one of which shall be filed with the town clerk of the town in

which such officers are to be voted for, and the other with the clerk of the county in which such town is located. All other certificates of nomination shall be filed with the clerk of the county in which the candidates so nominated are to be voted for. All certificates and corrected certificates of nomination, all objections to such certificates and all declination of nominations are hereby declared to be public records, and it shall be the duty of every officer or board to exhibit, without delay, every such paper or papers to any person who shall request to see the same. It shall also be the duty of each such officer or board to keep a book, which shall be open to public inspection, in which shall be correctly recorded the names of all candidates nominated by certificates filed in the office of such officer or board, or certified thereto, the title of the office for which any such nomination is made, the political or other name and emblem of the political party or independent body making such nomination; and in which shall also be stated all declinations of nominations or objections to nominations, and the time of filing each of the said papers.

§ 59. The times of filing certificates of nominations. The different certificates of nomination shall be filed within the following periods before the election for which the nominations are made, to wit: Those required to be filed with the secretary of state, if party nominations, at least thirty and not more than forty days; if independent nominations, at least twenty-five days and not more than forty days; those required to be filed with a county clerk, or the police board of The City of New York, or with the city clerk of any other city, if party nominations, at least twenty-five and not more than thirty-five days; if independent nominations, at least twenty and not more than thirty-five days; those required to be filed with a town or village clerk, if party nominations, at least fifteen and not more than twenty days; if independent nominations, at least ten and not more than twenty days. In towns in which town meetings are held at the time of general elections, certificates of nominations for town officers, if of a party, shall be filed with the town and county clerks, not less than twenty and not more than thirty days before the election for which the nominations are made; if of independent nominations, not less than fifteen and not more than thirty days before such time. In case of a special election ordered by the governor, under the provisions of section four

of the election law, the certificates of nominations for the office or offices to be filled at such special election shall be filed with the proper officer or board not less than fifteen days before such special election.

§ 10. This act shall take effect immediately.

Chap. 364.

AN ACT to amend the transportation corporations law, in relation to the inspection of gas meters, and providing for a deputy inspector in the city of Jamestown.

Accepted by the city.

Became a law April 20, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section sixty-two of chapter five hundred and sixty-six of the laws of eighteen hundred and ninety, entitled "An act in relation to transportation corporations, except railroads, constituting chapter forty of the general laws," as amended by chapter four hundred and eighty-six of the laws of eighteen hundred and ninety-seven, is hereby amended to read as follows: -

§ 62. **Inspector of gas meters.** The governor shall nominate and by and with the consent of the senate appoint an inspector of gas meters, who shall have an office in The City of New York, whose duty it shall be, when required, to inspect, examine, prove and ascertain the accuracy of any and all gas meters used or intended to be used for measuring or ascertaining the quantity of illuminating or fuel gas furnished by any gas corporation in this state including a corporation engaged in supplying natural gas to consumers, to or for the use of any person or persons, and, when found to be or made correct, to seal, stamp or mark all such meters, and each of them, with some suitable device, which device shall be recorded in the office of the secretary of state. Such inspector shall hold his office for the term of five years and until the appointment of his successor, but may be removed by the governor for sufficient cause. He shall receive an annual salary of five thousand dollars, to be paid in the first instance out of the state treasury on the warrant of the

comptroller, which shall be charged to and paid into the state treasury by the several gas corporations in this state, in amounts proportionate to the amount of the capital stock of such corporations respectively, to be ascertained and assessed by the comptroller of the state. If any such corporation shall refuse or neglect to pay into the state treasury the amount or portion of such salary required of them respectively, for the space of thirty days after written notice given it by the comptroller to make such payment, then the comptroller may maintain an action, in his name of office, against any such delinquent corporation for its portion or amount of such salary, with interest thereon at the rate of ten per centum per annum from the time when such notice was given and the costs of the action.

§ 2. Section sixty-three of such act, as amended by chapter three hundred and eighty-five of the laws of eighteen hundred and ninety-three, is hereby amended to read as follows:

§ 63. Deputy inspectors. The inspectors of gas meters shall appoint four deputy inspectors of gas meters to reside in the city of Brooklyn, Albany, Buffalo and Jamestown, respectively, to hold during his pleasure, and who shall in their respective places of residence discharge the same duties as are required of the inspector. Such deputies shall each receive an annual salary of fifteen hundred dollars to be paid in the same manner as the salary of the inspector.

§ 3. This act shall take effect immediately.

Chap. 365.

AN ACT to amend the village law, in relation to assessments for pavements.

Became a law April 20, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one hundred and sixty-six of chapter four hundred and fourteen of the laws of eighteen hundred and ninety-seven, entitled "An act in relation to villages, constituting chapter twenty-one of the general laws," is hereby amended to read as follows:

§ 166. Pavements. The board of trustees may cause a street in the village to be paved, wholly at the expense of the village, or of the owners of the adjoining land, or partly at the expense of each; but such street shall not be paved wholly at the expense of the owners of the adjoining land unless a petition be presented to the board of trustees signed by the owners of at least two-thirds of the frontage on the street, or portion thereof, proposed to be paved, and a hearing given thereon to all persons interested, on a notice of at least ten days. If a pavement is so required to be constructed or repaired wholly at the expense of the owners of the adjoining lands, a notice specifying the place and manner, and the time, not less than thirty days, within which the pavement is required to be constructed or repaired, shall be served upon the owners. If an owner shall not construct or repair the pavement as required by the notice, the board of trustees may cause the same to be so constructed or repaired, and assess the expense thereof upon the adjoining land. If a pavement is to be constructed or repaired at the joint expense of the village and the owner of the adjoining land, the board of trustees may cause the same to be constructed or repaired, and assess upon the adjoining land the proportion of the expense chargeable against the same; or it may direct the owner to contribute labor or materials therefor. The total amount expended for street paving in any fiscal year from the moneys raised during such year for street purposes, otherwise than in pursuance of a village election, shall not be more than one-half thereof. No land owner shall be required to pave or bear the expense of paving any portion of the street not in front of such land, nor beyond the center of the street. All pavements laid by the owners of adjoining land shall be laid under the supervision and in accordance with the directions of the board of trustees. The expense of constructing a pavement or any part thereof may be raised in an entire amount or in similar amounts from time to time as the board of trustees may determine. If any portion of such expense is to be borne by the village, bonds or certificates of indebtedness may be issued. If such expense or any part thereof is to be assessed upon adjoining land, the board may apportion it upon the lands and assess the same as a whole or by installments. Notice of an assessment based upon such apportionment shall be given to the land owners, who may pay the amounts assessed within ten days after such notice. At the

expiration of that time bonds or certificates of indebtedness may be issued for the aggregate amount of such assessment then remaining unpaid. Taxes for the amount of such bonds or certificates issued on account of default in the payment of the amount apportioned upon adjoining land, shall be levied and collected in the manner prescribed by this chapter in case of unpaid assessments for the construction of sewers.

§ 2. This act shall take effect immediately.

Chap. 366.

AN ACT legalizing the acts of Frank Burton as notary public.
Became a law April 20, 1898, with the approval of the Governor.
Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The acts of Frank Burton, of Gloversville, New York, performed as notary public from March thirtieth, eighteen hundred and ninety-seven and before the seventh day of March, eighteen hundred and ninety-eight, are hereby legalized and confirmed, and shall be of the same force and effect as though the said Frank Burton had been qualified as a notary at the time of the performance thereof.

§ 2. This act shall take effect immediately.

Chap. 367.

AN ACT to legalize and confirm the official acts of John W. McCarty as a notary public in and for the county of Tioga.
Became a law April 20, 1898, with the approval of the Governor.
Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The official acts of John W. McCarty, of the town of Candor, county of Tioga, who was duly commissioned as a notary public in and for the said county, which said acts were performed by him in good faith since the thirtieth day of March, eighteen hundred and ninety-two, are hereby legalized and con-

firmed with the same force and effect as if the term of office of such notary public had not then expired.

§ 2. Nothing in this act shall affect any legal action existing or pending by reason of the expiration of such term of office

§ 3. This act shall take effect immediately.

Chap. 368.

AN ACT to legalize and confirm the official acts of Frederick H. Chase, a notary public.

Became a law April 20, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The official acts of Frederick H. Chase, a notary public, appointed in and for the county of Kings, and duly commissioned, which acts have been performed since the thirtieth day of March and before the twenty-sixth day of June, eighteen hundred and ninety-seven, so far as such acts might be affected, impaired or questioned by reason of the failure of said Frederick H. Chase to make seasonable application for reappointment, wherein he has acted in good faith, are hereby legalized and confirmed and made as effectual and valid as if the said notary public had been reappointed on the said thirtieth day of March.

§ 2. Nothing in this act contained shall affect any legal action or proceeding now pending.

§ 3. This act shall take effect immediately.

Chap. 369.

AN ACT to authorize the town board of the town of Austerlitz, of Columbia county, to audit the account of Benjamin Sitter, late commissioner of highways of such town, for expenditures made and services performed by him as such commissioner.

Became a law April 20, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Audit of
account
authorized.

Section 1. The town board of the town of Austerlitz of Columbia county, is hereby authorized and directed to audit the account

of Benjamin Sitter, late commissioner of highways of such town, and allow to him so much thereof as may be due for expenditure made and services performed by him as such commissioner for the year ending on the tenth day of March, eighteen hundred and ninety-six. The amount found to be due him for such expenditures and services, with interest from March tenth, eighteen hundred and ninety-six, is hereby declared to be a valid claim against the town of Austerlitz. The supervisor of such town shall pay to the said Benjamin Sitter, out of any unexpended balance in his hands, the amount found to be due by such town board, or if he has no funds in his hands or under his control sufficient to pay such amount, he shall include the same in the next town abstract to be levied and assessed on such town and paid as other town charges are paid. Payment.

§ 2. This act shall take effect immediately.

Chap. 370.

AN ACT to authorize and provide for the construction of sewers in the town of Gates, Monroe county.

Became a law April 20, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The town board of the town of Gates, Monroe county is hereby authorized to construct and maintain such lateral and branch sewers or extensions thereof from the main sewer heretofore constructed pursuant to the provisions of chapter six hundred and three of the laws of eighteen hundred and ninety-two, and the acts amendatory thereof and supplementary thereto, as may be required from time to time for the protection of the public health, and to prescribe and define the boundaries of the territory that shall be deemed to be benefited thereby and upon the owners of which the cost and expense of such lateral or branch sewer or extension thereof, shall be assessed under the provision of this act; provided however, that the construction of such lateral or branch sewer or extension thereof shall have been petitioned for by ten or more freeholders interested therein, and who would be liable to be assessed for the cost and expenses thereof under the provisions of this act. Authority to construct sewers.

Petition for construction.

Notice of
hearing.

Hearings.

Determina-
tion of
board.

No further
action
upon un-
favorable
report.

Resolution
ordering
construction.

Appeal to
county
court.

§ 2. Upon the presentation to it, of a petition duly verified by ten or more freeholders as aforesaid, the said town board of the town of Gates shall forthwith cause to be posted at convenient places within the territory affected, and elsewhere as the said board may determine, copies of the said petition together with a notice that the said town board will hear allegations thereon at a specified place, hour and date, which shall not be less than ten days from the date of the posting of the notice as aforesaid. Upon the day and at the hour and place mentioned in said notice the said town board of the town of Gates, shall hear the allegations of all persons interested in the construction of the proposed sewer or sewers, and the said hearings may be adjourned from time to time, until they shall be declared closed by the said town board of the town of Gates. Whereupon the said town board of the town of Gates shall proceed by personal view of the lands affected, and otherwise, as they shall deem proper, to determine as to whether or not the construction of the proposed sewer is necessary for the protection of the public health. In case the said town board of the town of Gates shall determine that the construction of the sewer petitioned for, as aforesaid, is not necessary for the protection of the public health, no further action shall be taken by the said town board of the town of Gates under the provisions of this act, unless such determination shall be appealed from as hereinafter provided. In case the said town board of the town of Gates shall determine that the construction of the sewer petitioned for as aforesaid, or a modification thereof as they may deem proper and best, is necessary for the protection of the public health, they shall pass a resolution ordering the construction of the sewer upon the route proposed in said petition or as modified, as aforesaid, and defining the boundaries of the territory deemed to be benefited thereby, and upon the owners or occupants of which the cost and expense thereof shall be assessed. Said resolution shall be final and binding upon all parties and interests unless appealed from as hereinafter provided.

§ 3. Any person feeling himself aggrieved at the determination as aforesaid, of the said town board of the town of Gates, upon the question of public health or at their action in passing a resolution ordering the construction of any sewer as aforesaid, may, within ten days from the date of such determination as aforesaid, or from the passage of said resolution appeal to the county court of Monroe county to review the actions and proceedings of

the said town board of the town of Gates had under and by virtue of the provisions of this act. Upon such appeal being made to it, as aforesaid, the said county court of Monroe county shall review the proceedings of the said town board of the town of Gates, as aforesaid, and shall hear such further evidence in the matter as may be submitted to it. Whereupon the said county court of Monroe county shall make a final order affirming, modifying or annulling the determination or resolution of the said town board of the town of Gates, and directing such further relief as to the said county court may appear proper and just in the premises.

Review by
court.

§ 4. Upon the passage of a resolution to construct a sewer as aforesaid, by the town board of the town of Gates, from which no appeal shall have been taken as hereinbefore provided, or upon the entry of an order of the county court to which an appeal shall have been taken as aforesaid, directing the construction of any sewer, as aforesaid, the said town board of the town of Gates shall cause an accurate survey and map to be made of the several tracts or parcels of land included within the territory described in said resolution of the town board of the town of Gates, or order of said county court, as the case may be, and said map shall show the exact route, size, depth and general character of the sewer proposed to be constructed, and the name of the owners or occupants of the said several tracts or parcels of land, so far as they can, with reasonable diligence, be ascertained, and the said town board of the town of Gates is hereby authorized and empowered to employ a competent civil engineer and such other assistants as they may require, to aid them in carrying out the provisions of this act, and the said town board of the town of Gates and said civil engineer and his assistants are hereby authorized and empowered to enter upon any and all lands deemed necessary to be inspected or surveyed by them, and to survey the same, and to take the levels thereof, and to do all things necessary for the construction of said sewer or sewers authorized to be constructed in said resolution of the town board of the town of Gates or by the order of the said county court, as aforesaid.

Survey and
map.

Civil engi-
neer and
assistants.

Entry
upon
lands.

§ 5. The said town board of the town of Gates shall, upon the completion of said map, cause the same, or a certified copy thereof to be signed by them, or a majority of them, and filed in the office of the clerk of the county of Monroe. Said map,

Map to be
filed.

or a certified copy thereof, may be used in evidence in any suit or proceeding in this state.

Occupation of streets.

§ 6. For the purpose of this act and the protection of the public health as aforesaid, the said town board of the town of Gates may use and occupy any of the streets, highways or alleys or other public places in said town of Gates, and they may take and appropriate such lands and such real estate as they may deem proper for such purpose. In case the said town board of the town of Gates shall be unable to agree with the owner or owners of any lands or real estate taken by them for the purpose aforesaid, or any right or easement therein, upon the compensation or damage to be paid therefor, it may apply to the supreme court, under the condemnation law, for the acquirement of such lands, easements or rights of way.

Condemnation of lands.

Contracts.

§ 7. All sewers constructed under and by virtue of the provisions of this act shall be constructed by contract, and the said town board of the town of Gates is hereby authorized and empowered to make all necessary contracts therefor in such form and manner as they shall deem best. All contracts, when the price or amount shall exceed one hundred dollars, shall be made only after advertising for, and receiving proposals as hereinafter specified; such advertisement shall be published for ten days in at least two of the daily newspapers published in the county of Monroe. Said town board of the town of Gates shall have power to reject any or all bids or proposals if, in their judgment it is expedient so to do, and may further advertise for proposals as often as they shall deem necessary. They shall require any and all persons with whom they contract, as aforesaid, for the construction of any sewer to be constructed under the provisions of this act, to give sufficient security, to be approved by the said town board of the town of Gates in an amount equal to the contract price thereof, and conditioned for the faithful performance of the said contract, and with the further condition that the said contractor will pay all damages and expenses incurred by any person, association or corporation by reason of the default or wrongful or negligent act of said contractor, his agents or servants, in and about the execution of his contract; and promptly restore to its former condition the surface of any highway, street or other place necessarily excavated or disturbed in the execution of his contract; and pay, or cause to be paid, the wages and compensation of all laborers who shall be employed

Rejection of bids.

Bond of contractor.

in working on or about the improvements mentioned in said contract. Actions on such bond or undertaking may be brought by or in the name of a laborer or laborers claiming to be secured thereby, or his or their assignee, and separate actions may be brought by each and any member of such laborers or their assignee. No action or proceeding, however, shall be commenced upon such bond or undertaking after three months from the date when the cause of action occurred.

Actions on
bond.

§ 8. For the purpose of furnishing funds with which to carry out the provisions of this act and to pay the cost and expense of the construction of any sewer or sewers authorized to be constructed under the provisions of this act as aforesaid, the treasurer of the county of Monroe, is hereby authorized and directed to issue and sell at not less than par value thereof, certificates or evidences of indebtedness, at such times and in such amounts as shall be directed by said town board of the town of Gates, and to pay out the proceeds of the sale thereof only upon warrants duly signed by the said town board of the town of Gates, or a majority of the members thereof as hereinafter provided. The said certificates or evidences of indebtedness, shall be known as assessment bonds and shall be payable in not more than ten years from the date of the issue thereof, and shall bear interest at a rate not to exceed five per centum per annum payable semi-annually. The said town board of the town of Gates shall prescribe the form of the said assessment bonds and shall furnish the same to the said treasurer of the county of Monroe in blank, and when signed by the said town board of the town of Gates or by a majority of the members thereof, and duly attested by the signature of the said treasurer of the county of Monroe, shall be issued and sold by the said treasurer of the county of Monroe as hereinbefore provided. The said town board of the town of Gates is hereby empowered, authorized and required to audit all claims for services performed or work done under and by virtue of the provisions of this act, and when so audited and allowed, shall cause an order or warrant to be drawn in favor of the person or persons to whom payment is due, and for the amount thereof, for services rendered or work performed, as aforesaid. Said order or warrant shall be signed by the said town board of the town of the town of Gates or by a majority of the members thereof, and when thus issued and signed shall be payable at the face value thereof, and to the person or persons named therein or to their

Issue and
sale of as-
sessment
bonds.

Audit and
payment
of claims.

order, upon presentation to the said treasurer of the county of Monroe, but no order or warrant, as aforesaid, shall at any time be drawn by the said town board of the town of Gates for an amount in excess of the funds held by the said treasurer of the county of Monroe under and by virtue of the provisions of this act. The said town board of the town of Gates may, however, reserve the right in any contract entered into by them, under and by virtue of the provisions of this act, to make payment, wholly or in part, for work done under such contract, in said assessment bonds.

Certification of cost and expenses to assessors.

§ 9. Within thirty days from the completion and acceptance of any sewer constructed under and by virtue of the provisions of this act, the said town board of the town of Gates shall certify to the town assessors of the town of Gates the full cost and expense thereof, including damages and compensation made for land or right of way taken, and including a reasonable compensation for the services of the said treasurer of the county of Monroe had under the provisions of this act, the amount thereof to be determined by the said town board of the town of Gates, and also including an allowance of two dollars per day to each of the members of the said town board of the town of Gates for each day actually and necessarily spent in the performance of their duties under the provisions of this act, which said allowance shall not, however, exceed the sum of twenty dollars in any one month to any one member of said town board of the town of Gates, nor shall such compensation exceed the said sum of twenty dollars in any one month, for any of the members of said town board in case the construction of several sewers under different resolutions and involving different interests should be undertaken under the provisions of this act and prosecuted simultaneously; but such charge, or so much thereof as shall be duly audited by the said town board of the town of Gates, shall be apportioned among the said several projects or undertakings as aforesaid, as the said town board shall deem proper and just. Upon the certification of the full cost and expense of the construction of any sewer or sewers as aforesaid to the said town assessors of the town of Gates, the powers and duties of the said town board of the town of Gates shall cease in relation thereto, except as hereinafter provided.

Powers and duties of board to cease.

Compensation of assessors.

The compensation for the services of the said town assessors of the town of Gates had under the provisions of this act, shall be the same as herein provided for the members of the said town

board of the town of Gates, and shall be subject to the same limitations as herein provided for the said members of the town board of the town of Gates.

§ 10. Upon the certification as aforesaid of the full cost and expense of the construction of any sewer or sewers constructed under the provisions of this act to the town assessors of the town of Gates by the said town board of the town of Gates, the said town assessors of the town of Gates shall forthwith apportion the cost and expense so certified, together with such further amount as the said assessors of the town of Gates shall deem necessary to provide for the expense of making the assessment as herein provided, upon the several tracts or parcels of land described in said resolution of the town board of the town of Gates or in said order of said county court of the county of Monroe, as the case may be, and upon the owners or occupants thereof, if ascertained, in proportion to the amount of benefit which each shall be deemed to receive from the construction of the sewer or sewers as aforesaid. Such apportionment shall be in the form of an assessment-roll, and shall specify the name of the owners or occupants of the lots or parcels of land intended to be assessed, if known, or shall describe said lots and parcels of land by any description that shall fairly distinguish the same, without reference to the owners or occupants. After such assessment shall have been completed the said assessors of the town of Gates shall meet at some place, designated by them, in the town of Gates, to hear the allegations and objections of all persons interested in the assessment, of which at least five days' previous notice shall be given by publication thereof in at least two of the newspapers published in the county of Monroe. The said assessors shall at the time and place specified in said notice and for a period of one week from said time, hear the allegations and objections of said persons interested in said lands as shall appear before them. Said assessment-roll shall there be open to the examination and inspection of all persons interested, between the hours of nine and twelve in the morning and two and four in the afternoon, from and after the first publication of said notice until the last day for hearing allegations in reference thereto. After such allegations are closed the said assessors shall proceed to review said assessment and are hereby authorized to make such correction or change therein as they may deem proper and equitable; and when said review shall be completed by the said assessors,

Apportionment upon property benefited.

Assessment-roll.

Meeting to hear grievances.

Inspection of roll before hearing.

Review and correction of assessments.

Filing of
roll.

Lien upon
lands.

Personal
liability
created.

Assess-
ments pay-
able in in-
stallments.

Collection
of assess-
ment.

Payment
of install-
ments.

Warrant
for collec-
tion of in-
stallments.

the same shall be verified by the oath of the assessors by whom it is made, to the effect that the same is, in all respects, just and true to the best of their judgment and belief. When said assessment-roll shall be completed as revised, a certified copy thereof, shall be filed with the county clerk of the county of Monroe, and from the time of such filing, shall be and remain a lien and charge upon the lands against which it is made, until fully paid or otherwise discharged, and shall also create a personal obligation and liability against the person assessed, and who is the owner of any lot therein, to pay the said assessment levied thereon; and for the collection of which together with the cost and expense thereof an action may be maintained in any court of competent jurisdiction, in addition to any other remedies herein provided for the collection thereof. Such assessment shall be made payable in such equal annual installments, not exceeding nine, as shall meet and retire, at or before the maturity thereof, the assessment bonds hereinbefore provided to be issued. Said installments shall bear interest at the rate of six per centum per annum from the time of the first installment of the said assessment is payable, as hereinafter provided, until paid. Default in the payment of any installment of said assessment for sixty days after the same shall become due and payable, shall render the entire assessment remaining unpaid, due and payable forthwith, the collection thereof to be enforced as hereinafter provided.

§ 11. Upon the completion of the assessment-roll as aforesaid the said town assessors of the town of Gates shall transfer the same to the treasurer of the county of Monroe, who is hereby authorized and empowered to collect the same as hereinafter provided, whereupon the duties and powers of the said assessors of the town of Gates shall cease in relation thereto. Thirty days from the time of such transfer, of which five days' previous notice shall be given by publication thereof in at least two of the newspapers published in the county of Monroe, the first installment of the said assessment shall be due and payable. Any person who is assessed in said roll may pay the whole of said assessment when the said first installment shall be due and payable as aforesaid, or may pay the whole balance of said assessment remaining unpaid, together with the interest thereon, as aforesaid provided the tender of such payment be made within fifteen days anterior to the date when the next succeeding installment of said assessment remaining unpaid, shall be due and payable. At the expiration of

sixty days from the time when any installment of said assessment shall be due and payable, the said treasurer of the county of Monroe may issue his warrant for the collection of the whole amount of the assessment then remaining unpaid, together with interest thereon, at the rate of six per centum per annum, together with five per centum as fees for the collection thereof, which warrant may be issued to any collector or collectors appointed by said treasurer of the county of Monroe, and shall be returned in not less than twenty days from the date thereof. Such collector or collectors shall proceed to collect such assessments in the manner provided by law for the collection of taxes in said county of Monroe, and shall, upon the return day of said warrant return the same to said treasurer of the county of Monroe, with their proceedings thereon. In case any assessment is returned by said collector or collectors, as uncollected, the said treasurer of the county of Monroe is hereby authorized and empowered to add such assessment, being the whole balance unpaid as aforesaid, together with interest and all cost and expense of the proceedings had thereon, to the county tax of the person or persons who are the owners of the lands assessed as herein provided and who have failed to pay such assessment as herein provided, to be collected as provided by law for the collection of unpaid taxes in the county of Monroe.

Duties of collector.

Proceedings upon return of unpaid assessments.

§ 12. All the moneys received by the said treasurer of the county of Monroe upon the said assessment-roll as aforesaid, shall be used exclusively for the redemption of the assessment bonds herein provided to be issued and for the payment of interest thereon as the same shall become due and payable under the provisions thereof. Said assessment bonds shall, however, be receivable at their face value, with accrued interest thereon, in payment of any assessment levied under and by virtue of the provisions of this act. In case the said treasurer of the county of Monroe shall at any time determine that the amount levied and collected by the assessment hereinbefore provided for is insufficient to pay off, at the maturity thereof, the assessment bonds herein provided to be issued, and shall file a determination to that effect with the county court of Monroe county, the said county court shall make an order determining the amount of said deficiency, and directing the said treasurer of the county of Monroe to apportion the same to each of the persons, his or their representatives or assigns, who were assessed as hereinbefore provided, in proportion to the amount

Receipts applicable to redemption of bonds.

Assessment of deficiencies.

which each such person or persons were assessed in the said assessment-roll, to be paid in one or more installments and at such times as the said treasurer of the county of Monroe shall determine. Such apportionment shall be in form of an assessment-roll, and shall be filed with the clerk of Monroe county, and shall have the same force and effect as the original assessment. And in case there should be a surplus in the hands of the said treasurer of the county of Monroe, after paying off the assessment bonds as aforesaid, such surplus shall be apportioned and paid back to the person or persons assessed in said assessment-roll in proportion to the amount which each such person or persons shall have paid thereon as aforesaid.

Repayment of surplus.

Compensation and expenses of officers, etc.

§ 13. The compensation of the members of the town board of the town of Gates, the assessors of the town of Gates, the treasurer of the county of Monroe, and all employes thereof, and all expenses for stationery, advertising and expense otherwise necessarily incurred in carrying into effect the provisions of this act, shall be deemed a part of the expense of the construction of any sewer or sewers constructed under the provisions of this act, and shall be collected by assessment as hereinbefore provided, and all such expenses shall be paid by the said treasurer of the county of Monroe out of the funds in his hands for that purpose, as heretofore provided, upon the warrant of the said town board of the town of Gates, duly audited as hereinbefore provided.

Correction of irregularities, etc.

§ 14. In case any assessment shall remain unpaid on account of any irregularity, omission or error in any of the proceedings relating thereto, or in case of error in the description of the lands or the designation of the owners or occupants, the said treasurer of the county of Monroe shall correct such irregularity, omission or error in such assessment-roll when discovered, and such correction shall have the same force and effect as if the assessment had originally been properly made.

Actions, how maintained, etc.

§ 15. All actions growing out of the construction of any sewer under the provisions of this act shall be maintained in the name of the town board of the town of Gates, but any and all expense of any such actions shall be deemed as being part of the expense of the construction of said sewer and shall be collected by assessment as aforesaid.

County or town not liable.

§ 16. Nothing in this act shall be construed to make the county of Monroe or the town of Gates in any way liable for the acts of the officers thereof, named herein, in carrying out the pro-

visions of this act, and none of such officers shall be held personally liable upon any contract made or assessment bonds issued by them nor any act done by them, under the provisions of this act, unless such act shall be a willful and intentional wrong on his part, nor shall any of such officers or any of their employes be interested directly or indirectly in any contract let or made under the provisions of this act, except as hereinbefore provided.

Personal liability of officers.

Not to be interested in contract, etc.

§ 17. The exercise of the powers herein conferred upon town board of the town of Gates, the assessors of the town of Gates, the treasurer of the county of Monroe and the county court of the county of Monroe, are hereby limited and confined to the territory lying within the town of Gates, Monroe county, heretofore determined to have been benefited by the construction of the main sewer heretofore constructed pursuant to the provisions of chapter six hundred and three of the laws of eighteen hundred and ninety-two, and the acts amendatory thereof and supplementary thereto.

Exercise of powers confined to territory.

§ 18. The said treasurer of the county of Monroe, is hereby required to give a bond to the people of the state of New York, in such an amount, and with such sureties as shall be approved by the county court of Monroe county, conditioned for the faithful performance of the duties conferred upon him under the provisions of this act, and shall file the same in the office of the county clerk of Monroe county before assuming the duties of his said office under and by virtue of the provisions of this act.

Bond of county treasurer.

§ 19. The town board of the town of Gates, the assessors of the town of Gates and the treasurer of the county of Monroe are hereby directed to keep a full and complete record of their respective transactions had under and by virtue of the provisions of this act, and to file the same or certified copies thereof with the clerk of the county of Monroe upon the completion of any undertaking had under and by virtue of the provisions of this act.

Record of transactions.

§ 20. This act shall take effect immediately.

Chap. 371.

AN ACT authorizing the railroad commissioners of the town of Liberty, Sullivan county, New York, to issue bonds to retire outstanding bonds as they may become due.

Became a law April 20, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Issue and
sale of
bonds
author-
ized.

Section 1. The railroad commissioners of the town of Liberty, Sullivan county, New York, are hereby authorized to issue bonds bearing interest at the rate not exceeding four per centum per annum, to pay and retire outstanding bonds of said town of Liberty as they may become due. Said bonds shall not be sold for less than par and shall become due within twenty years from date of issue.

§ 2. This act shall take effect immediately.

Chap. 372.

AN ACT to authorize union school district number twenty-two of the town of Onondaga, to refund its bonded indebtedness.

Became a law April 20, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Authority
to issue
bonds.

Section 1. Union school district number twenty-two of the town of Onondaga is hereby authorized to issue its bonds of the value of six thousand dollars, payable by instalments of fifteen hundred dollars yearly, on the first day of June, beginning with the year nineteen hundred and three, for the purpose of retiring its bonded indebtedness now outstanding. Such bonds shall bear interest at a rate not exceeding five per centum and shall not be sold at less than their face value.

Special
meeting of
district.

§ 2. The issuing of the bonds herein authorized to be issued shall be determined by vote of the inhabitants of the district, at a special meeting to be called by the board of trustees of the district and in the same manner provided by the general school laws under which the original bonded debt was created.

§ 3. This act shall take effect immediately.

Chap. 373.

AN ACT to amend chapter one hundred and thirteen of the laws of eighteen hundred and sixty, entitled "An act creating certain additional officers in the town of Southold, in the county of Suffolk."

Became a law April 20, 1898, with the approval of the Governor.
Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Sections two, three and four of chapter one hundred and thirteen of the laws of eighteen hundred and sixty, are hereby amended to read respectively as follows: Act amended.

§ 2. There shall be elected at the meeting of the town of Southold, in the county of Suffolk, to be held in the spring of eighteen hundred and ninety-nine, and every four years thereafter, one justice of the peace (in addition to the four now prescribed by law) who shall reside upon Fisher's island in said town. The justice so elected shall enter upon the duties of his office at the expiration of the term of office of his predecessor, and shall hold his office for four years. Election of additional justice of peace.

§ 3. There shall be elected at the meeting of said town of Southold to be held in the spring of eighteen hundred and ninety-eight, one constable (in addition to the five now prescribed by law) who shall reside upon Fisher's island in said town, who shall hold office for a term of one year. At the town meeting to be held in the spring of eighteen hundred and ninety-nine, and at every biennial town meeting thereafter such officer shall be elected for a term of two years. Additional constable.

§ 4. In case either of the officers provided for by this act shall cease to reside upon said island, his office shall be deemed vacant, and shall be filled in the manner prescribed by law in case of vacancies. Vacancies in office.

§ 2. This act shall take effect immediately.

Chap. 374.

AN ACT to amend chapter sixty-eight of the laws of eighteen hundred and fifty-six, entitled "An act to authorize the inhabitants of the town of Southold, in the county of Suffolk, to elect six assessors for said town."

Became a law April 20, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Act
amended.

Section 1. Section one of chapter sixty-eight of the laws of eighteen hundred and fifty-six is hereby amended to read as follows:

Election
of assess-
sors.

§ 1. It shall be lawful for the inhabitants of the town of Southold, in the county of Suffolk, to have six assessors instead of three, as the law now directs, and to have them elected biennially as the respective terms of office of those which are now elected shall expire, viz.: There shall be elected at the town meeting to be held in the spring of eighteen hundred and ninety-eight two assessors, who shall hold office for a term of one year. At the town meeting to be held in the spring of eighteen hundred and ninety-nine, there shall be elected six assessors, four for a full term of two years, and two for a term of one year, beginning at the expiration of the term of office of the assessors whose term will expire in the spring of nineteen hundred. At every biennial town meeting thereafter held, six assessors shall be elected for a term of two years.

§ 2. This act shall take effect immediately.

Chap. 375.

AN ACT to establish a ferry from and to Hack's bay, in the town of Ticonderoga, in the county of Essex, across Lake Champlain, to and from the public highway or roadway at Watch point, in the town of Shoreham, in the state of Vermont.

Became a law April 20, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Authority
to main-
tain ferry.

Section 1. It shall and may be lawful for Lester G. Hack, of the town of Ticonderoga in the county of Essex and state of New

York, his heirs and assigns, to set up, keep and maintain a ferry across Lake Champlain to and from the lands now owned by the said Lester G. Hack, at Hack's Bay, in the said town of Ticonderoga, from and to the landing at the highway or roadway at Watch Point, in the town of Shoreham, in the county of Addison and state of Vermont, for the term of five years from the date of the passage of this act.

§ 2. And if the said Lester G. Hack, his heirs or assigns, shall set up, keep and maintain a ferry as aforesaid, he and they shall during such keeping and maintaining, provide, keep and maintain a suitable and safe ferry boat, capable and sufficient for carrying wagons, carriages, horses, cattle, sheep and passengers, and ready at all reasonable times and seasons to transport and ferry across said lake between the said points, persons and suitable and proper animals, goods, chattels and property.

Requirements in maintaining ferry.

§ 3. The county clerk of the county of Essex, upon the application of any person or corporation, and upon such notice in writing as it may deem proper of the hearing thereupon, and of the time and place of such hearing, together with the proof by affidavit of such notice, may, in the month of May in each year during the continuance of this act, order, direct and determine the several rates of ferriage, and the hours of the day, and the season of the year, and the length of time thereof, that such boat shall be kept in readiness for such transportation at and belonging to said ferry, and until such order, direction and determination, it shall be lawful for the said Lester G. Hack, his heirs and assigns, to charge, receive and collect reasonable and ordinary ferriage rates; and he or they shall so keep such boat at all reasonable and proper times and seasons.

Rates of ferriage.

§ 4. If the said Lester G. Hack, his heirs or assigns, or any person or ferryman employed by him, or them, shall take, exact or receive any greater or higher rate of ferriage for transporting any person or persons, goods, chattels or other property whatsoever, than shall be allowed by or under the provisions of the next preceding section of this act, the person or persons so offending, shall forfeit and pay for every such offence the sum of five dollars, to be recovered with costs of suit in an action in justice's court before any justice of the peace within the said county, by any person, co-partnership, association or corporation who shall sue for the same.

Penalty for exacting higher rate.

§ 5. If at any time after the passage of this act it shall appear upon sufficient evidence to the county court of the county of

Neglect to comply with requirements of act.

Essex that the said Lester G. Hack, his heirs or assigns, or any of them, shall unlawfully and knowingly neglect to comply with the directions, provision or restrictions of this act in keeping or maintaining the ferry as aforesaid, the said court, after giving him or them, due opportunity to be heard in opposition, may adjudge and declare that all the rights and privileges granted to him and them by virtue hereof shall cease and be of no effect, and such declaration and adjudication shall have operation to terminate and end such rights and privileges.

§ 6. This act shall take effect immediately.

Chap. 376.

AN ACT to amend section four and to further amend section eleven of chapter five hundred and thirty-one of the laws of eighteen hundred and sixty-nine, entitled "An act to incorporate the village of Chateaugay, in the county of Franklin."

Became a law April 20, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Charter
amended.

Section 1. Section four of chapter five hundred and thirty-one of the laws of eighteen hundred and sixty-nine, entitled "An act to incorporate the village of Chateaugay in the county of Franklin," is hereby amended to read as follows:

Annual
election.

§ 4. An annual meeting for the election of officers, and the transaction of other business, shall be held in said village on the Tuesday succeeding the first Monday of May, eighteen hundred and ninety-eight, and on a like day in every year thereafter at such place as the trustees may appoint, notice of which meeting shall be given for at least two weeks previous to its being held by publication in the village newspapers, or posting in at least two conspicuous places in said village.

§ 2. Section eleven of chapter five hundred and thirty-one of the laws of eighteen hundred and sixty-nine, entitled "An act to incorporate the village of Chateaugay, in the county of Franklin," as the same is amended by chapter four hundred and sixty-eight of the laws of eighteen hundred and ninety-five, is hereby further amended to read as follows:

Village
tax.

§ 11. The ordinary expenses of the village, and all sums of money voted for special purposes, shall be defrayed by tax, to

be assessed upon the real and personal property subject to taxation within said village, and be collected within each current year from the time of voting the same. The sum to be raised for ordinary expenses shall be determined by the meeting, before any resolution to raise money for any special purpose can be offered, and the whole sum to be raised for ordinary and special purposes together, during any one year shall not exceed the sum of fifteen hundred dollars in addition to the sum now authorized to be raised and expended in any one year by said act. For the purpose of paying outstanding indebtedness of the village, the board of trustees is hereby authorized to issue bonds or certificates of indebtedness in the sum of two thousand dollars, payable five hundred dollars thereof in one, two, three and four years, from the first day of June, eighteen hundred and ninety-eight. Such bonds or certificates shall be signed by the president and countersigned by the clerk of the village, shall bear interest at a rate not exceeding five per centum per annum, and shall be sold for not less than par. Such bonds or certificates shall be binding obligations on the village and in addition to the money authorized to be raised by this section, the board of trustees shall annually raise a sufficient sum to meet the principal and interest of such bonds or certificates as the same shall become due, until the whole amount of such bonds or certificates is paid.

Issue of
bonds or
certificates

§ 3. This act shall take effect immediately.

Chap. 377.

AN ACT to amend chapter one hundred and sixty of the laws of eighteen hundred and ninety-five, entitled "An act to revise, amend and consolidate the several acts relating to the village of Lansingburgh."

Became a law April 20, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section thirteen of title seven, of chapter one hundred and sixty of the laws of eighteen hundred and ninety-five, entitled "An act to revise, amend and consolidate the several acts relating to the village of Lansingburgh," is hereby amended so as to read as follows:

Charter
amended.

Sewer com-
missioners.

§ 13. The board of water commissioners of said village shall also be sewer commissioners in and for said village, and the construction of sewers, cesspools and catch basins, and the repairing, cleaning, altering and amending the same, including those heretofore constructed, shall be under the charge, management and control of the said board. The said board may, from time to time, order and direct the construction of lateral sewers in the streets, alleys and public places of said village, for the benefit of the lots, or parts of lots abutting thereon, and to be connected with cross town or trunk sewers, and also to order the same altered, repaired, relaid and cleaned as occasion may require. In the construction, repairing, relaying, cleaning or altering of said lateral sewers or cesspools or catch basins, the said board shall cause estimates of the expense of doing the same to be made, and a just and equitable assessment thereof upon the property benefited, and in such case the said board shall proceed in the manner, and have the same power and authority as is, by this act, given to and possessed by the board of trustees of said village in the matter of assessments for local improvements, and the same shall have the same force and effect, and be in like manner enforced and collected.

Construc-
tion of
lateral
sewers.

Assess-
ment of
expense.

§ 2. Section one of title eight of said act is hereby amended so as to read as follows:

Assess-
ment of
village tax.

§ 1. It shall be the duty of the board of trustees of said village, on or before the fifteenth day of December, in each and every year, for the purpose of raising by tax the several sums for the purpose of defraying the necessary and legal expenses of said village, as in this act provided, to make or cause to be made an assessment thereof and apportion the same upon all real estate and property, including railroads and railways within the boundaries of said village, not by law exempt from taxation, and upon all persons residing therein, and upon all corporations for the personal estate owned by them and liable to taxation therein, and in making such assessment-roll and levying such tax to proceed in all respects the same as the trustees of common school districts are required by law to proceed, in making and levying school taxes; provided, however, that in making said roll, the Fitchburg railroad, and the real estate lying on the east side thereof, shall be put on said roll at one-half of its valuation, but the amount of any such tax for the ordinary current expenses of said village shall not, in any year, exceed the sum of six mills upon each dollar of valuation, as

Proviso as
to railroad.

contained in the assessment-roll, for that year, except as provided in section seven of title six, and section fourteen of title four of this act. In addition to the six mills, increased by the fire and police apportionments, as by this act provided, the board of trustees shall raise by tax, as may be necessary, and include in any annual tax levy, such sum as shall be required to meet and pay the principal and interest, or the interest of any bonds of said village, as the same falls due. But not more than three thousand dollars shall be so raised in any year for interest on water bonds now outstanding.

Tax for principal and interest of bonds.

Limitation.

§ 3. All acts and parts of acts inconsistent with this act are hereby repealed.

Repeal.

§ 4. This act shall effect immediately.

Chap. 378.

AN ACT to amend chapter one hundred and twenty-five of the laws of eighteen hundred and sixty-one, entitled "An act to consolidate and amend the several acts relating to the village of Watkins and to enlarge the powers of the corporation of said village," and the act amendatory thereof.

Became a law April 20, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section four of title eight of chapter one hundred and twenty-five of the laws of eighteen hundred and sixty-one, entitled "An act to consolidate and amend the several acts relating to the village of Watkins, and to enlarge the powers of the corporation of said village" as amended by chapter eight hundred and forty-nine of the laws of eighteen hundred and ninety-six is hereby amended to read as follows:

Charter amended.

§ 4. The trustees shall have power to remit any poll tax levied upon any indigent person who is sick, or infirm, and to relieve him from the payment thereof. The real property of any person, firm or corporation which shall hereafter locate within said village and shall establish, conduct, and operate any manufacturing establishment which shall give employment to not less than ten men for a period of at least nine months in each year, and which real property shall be actually used and employed in such manu-

Remission of poll-tax.

Exemption from taxation.

facturing enterprise shall be exempt for a period of twenty years from all village taxes, except sidewalk taxes, or charges, provided however that this exemption shall not extend to any portion of said real property assessable at the time of locating said manufacturing establishment, nor to any real property of any such manufacturing establishment, which shall not be actually used for manufacturing purposes according to the provisions and intent of this act.

§ 2. This act shall take effect immediately.

Chap. 379.

AN ACT to amend chapter five hundred and fifty-three of the laws of eighteen hundred and ninety-five, entitled "An act in relation to the supreme court in the first judicial district, and the appellate division thereof in the first department," as amended by chapter three hundred and sixty-two of the laws of eighteen hundred and ninety-six and chapter six hundred and fifty-six of the laws of eighteen hundred and ninety-seven, in relation to compensation of clerks.

Accepted by the city.

Became a law April 21, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Act
amended.

Section 1. Section four of chapter five hundred and fifty-three of the laws of eighteen hundred and ninety-five, entitled "An act in relation to the supreme court in the first judicial district, and the appellate division thereof, in the first department," as amended by chapter three hundred and sixty-two of the laws of eighteen hundred and ninety-six and chapter six hundred and fifty-six of the laws of eighteen hundred and ninety-seven be and it hereby is amended so as to read as follows:

Special
deputy
clerk and
assistants.

§ 4. The justices of the appellate division of the supreme court in the first department, now or hereafter appointed, or a majority of them, shall appoint, and at pleasure remove, for each part or term of the supreme court in the first judicial district, a special deputy to the clerk of the city and county of New York, and all necessary assistants to each of such special deputies, whose duty it shall be to attend each session of the part or term of the supreme

court to which he is assigned, and keep the minutes thereof, and to perform such other duties therein as shall be prescribed by the rules made by the said justices of the appellate division in such department; such special deputy clerks and assistants to be subject to the supervision of the said county clerk. The minutes of the part or term of the court to which he is assigned, kept by him, shall be a part of the records of the supreme court, and shall be kept by the said county clerk in his office, the said county clerk to give extracts from such minutes as now prescribed by law. The compensation to be paid to each person so appointed shall be fixed by said appellate division, not to exceed four thousand dollars per annum for the special deputy clerk assigned to part two of the special term to be known as the ex parte clerk and not to exceed four thousand dollars per annum for the special deputy clerk assigned to part three of the special term, to be known as the special term calendar clerk, and four thousand dollars for the special deputy clerk assigned to part two of the trial term, to be known as the trial term calendar clerk, and not to exceed two thousand five hundred dollars per annum for each of the other special deputy clerks, and not to exceed two thousand dollars per annum for each assistant; and shall be so paid by the city and county of New York.

Compensation of clerks.

§ 2. This act shall take effect immediately.

Chap. 380.

AN ACT to amend chapter three hundred and seventy-eight of the laws of eighteen hundred and ninety-seven, entitled "An act to unite into one municipality, under the corporate name of The City of New York, the various communities lying in and about New York harbor, including the city and county of New York, the city of Brooklyn and the county of Kings, the county of Richmond and part of the county of Queens, and to provide for the government thereof," relating to a pension fund for the police department of said city.

Accepted by the city.

Became a law April 21, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section three hundred and fifty-five of chapter three hundred and seventy-eight of the laws of eighteen hundred and

Charter amended.

ninety-seven, entitled "An act to unite into one municipality under the corporate name of The City of New York, the various communities lying in and about New York harbor, including the city and county of New York, the city of Brooklyn and the county of Kings, the county of Richmond, and part of the county of Queens, and to provide for the government thereof," is hereby amended so as to read as follows:

Annual
pensions to
members
of police
force.

§ 355. Any member of the police force being of the age of fifty-five years who has or shall have performed duty on such police force as aforesaid for a period of twenty years or upwards, upon his own application in writing, may, or upon a certificate of so many of the police surgeons as the police board may require, showing a member of whatever age who has served twenty years is permanently disabled, physically or mentally so as to be unfit for duty, shall, by order of the police board, be relieved and dismissed from said force and service and placed on the roll of the police pension fund, and awarded and granted, to be paid from said pension fund, an annual pension during his lifetime of a sum not less than one-half of the full salary or compensation of such member so retired; and any member of the police force who has, or shall have performed duty on any such force aforesaid, for a period of twenty-five years or upwards, being of the age of fifty-five years, or any member of any such police force who is an honorably discharged soldier or sailor from the army and navy of the United States in the late civil war, who shall have reached the age of sixty years, or any such soldier or sailor who has performed duty on any such force for a period of twenty years, upon his own application in writing, provided there are no charges against him pending, must be relieved and dismissed from said force and service by the department and placed on the roll of the police pension fund and awarded and granted, to be paid from said pension fund, an annual pension during his lifetime of the sum of not less than one-half of the full salary or compensation of such member so retired; and the said department may in like manner relieve and dismiss from the service and place on the roll of the police pension fund, and grant and award a pension to any member of said force other than an honorably discharged soldier or sailor of the Mexican or late civil war who shall have reached the age of sixty years. The said police department shall award and grant pensions to the chief

To officers
of force.

of police of three thousand dollars; to each deputy chief of police, twenty-five hundred dollars; to each inspector, seventeen hundred and fifty dollars; to each captain of police, thirteen hundred and seventy-five dollars; and to each sergeant and detective sergeant of police hereafter relieved and dismissed from said force and service and placed on the roll of the pension fund, as hereinbefore provided, the sum of one thousand dollars per annum hereafter, and to each captain of police heretofore relieved and dismissed from said force and placed on the roll of the police pension fund, as hereinbefore provided, who, at the time when he was so relieved and dismissed and at the time when he was so placed on the roll of said pension fund, was receiving an annual salary of twenty-seven hundred and fifty dollars, the sum of thirteen hundred and seventy-five dollars per annum hereafter. Pensions granted under this section shall be for the natural life of the pensioner, and shall not be revoked, repealed or diminished. In case any member shall have voluntarily left any such police force, and entered into the United States service, and served in the war of rebellion, in the army or navy, and received an honorable discharge, and afterwards shall have been re-instated or re-appointed in the police force, the time of his service in the army or navy shall be considered as continuous service in the police force. Pensions may, in the discretion of the said police department be continued and paid to the widows and children, or, if no widow, to the child or children while under the age of eighteen years of any member of the police force to whom pensions shall have been granted, provided, however, that such pensions to such widows or children, as the case may be, shall, in no instance, exceed six hundred dollars per annum, and the same may in the discretion of the said board, be, from time to time, and at any time diminished, modified or revoked; provided however, that no member of either of the police forces by this act consolidated, having a right to retire upon a pension at the time this act takes effect, shall be deprived of such right by reason of his remaining upon the police force, or of anything in this act contained. In determining the terms of service of any member of the police force, service in the municipal and metropolitan force, and subsequently in the police force of The City of New York, as heretofore constituted, or in any police force within the limits of The City of New York

Time of
service in
army or
navy to
count.

Continuation of pensions to widows and children.

Terms of service in certain forces to count.

as hereby constituted, and thereafter in the police force created by this act, shall be counted and held to be service in the police force of The City of New York for all the purposes of this chapter.

§ 2. This act shall take effect immediately.

Chap. 381.

AN ACT in relation to investments by the commissioners of the sinking fund of The City of New York.

Accepted by the city.

Became a law April 21, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. It shall be lawful for the commissioners of the sinking fund of The City of New York to invest surplus monies accruing to any of the sinking funds, subject to their control, in bonds or stock of The City of New York as now constituted. Nothing herein contained shall be construed to limit or restrict the powers heretofore possessed by said commissioners of the sinking fund in regard to such investments.

§ 2. This act shall take effect immediately.

Chap. 382.

AN ACT to provide for the payment of compensation to Rufus G. Beardslee, for services as counsel to the board of education of The City of New York, and authorizing the board of estimate and apportionment of The City of New York to audit and allow the amount that may be justly due.

Accepted by the city.

Became a law April 21, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The board of estimate and apportionment of The City of New York is hereby authorized, in its discretion, to audit

and allow to Rufus G. Beardslee, or his legal representatives, the sum that said board may deem to be justly due to him for services rendered up to the time that such audit is made, as counsel to the board of education of said city, provided that it shall satisfactorily appear to said board of estimate and apportionment that the said services ought in equity to be paid.

§ 2. The said board of estimate and apportionment shall make and file in the office of the comptroller of said city a certificate, showing the amount, if any, so audited and allowed; and the amount specified in said certificate shall be raised from any unexpended balances of appropriation in said city, prior to the year eighteen hundred and ninety-eight or from the proceeds of revenue bonds of The City of New York, which the said comptroller is hereby authorized to issue for the purposes of this act, and the said comptroller shall pay to said Rufus G. Beardslee the amount so audited and allowed and specified in said certificate.

Certificate
of audit.

Amount,
how raised,
etc.

§ 3. This act shall take effect immediately.

Chap. 383.

AN ACT to authorize the board of estimate and apportionment of The City of New York to hear, examine and audit the claim of Louis W. Briggs for work, labor and service performed and materials furnished for work done on grammar school number eighty-five in The City of New York.

Accepted by the city.

Became a law April 21, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. An act to authorize the board of estimate and apportionment of The City of New York to hear, examine and audit the claim of Lewis W. Briggs for work, labor and service performed and materials furnished, for extra painting done on grammar school number eighty-five, in the Twenty-third ward of The City of New York, and to award to him such sum as upon due proof before said board of estimate and apportionment shall be a reasonable compensation therefor.

Examination
and
audit of
claim

§ 2. Upon the presentation of evidence and proof as to the value of such services performed and materials furnished as shall be

Allowance
of amount.

deemed satisfactory by said board of estimate and apportionment, said board is hereby authorized to allow such sum as it shall consider just and reasonable as compensation for such work, labor and services, and shall thereupon certify to the comptroller of The City of New York the amount allowed, such sum to be charged against the amount allowed, and the amount specified in such certificate shall be included in the provision and final estimates of the amounts to be raised by taxation upon estates real and personal in The City of New York, subject to taxation for the year eighteen hundred and ninety-eight.

§ 3. This act shall take effect immediately.

Chap. 384.

AN ACT to amend section thirty-three hundred and seventy of the code of civil procedure, relating to proceedings of commissioners in proceedings for the condemnation of real property.

Became a law April 21, 1898, with the approval of the Governor.

Passed, a majority being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section thirty-three hundred and seventy of the code of civil procedure, is hereby amended to read as follows:

§ 3370. The commissioners shall take and subscribe the constitutional oath of office. Any of them may issue subpoenas and administer oaths to witnesses; a majority of them may adjourn the proceeding before them, from time to time in their discretion. Whenever they meet, except by appointment of the court or pursuant to adjournment, they shall cause at least eight days' notice of such meeting to be given to the defendants who have appeared, or their agents or attorneys. They shall view the premises described in the petition, and hear the proof and allegations of the parties, and reduce the testimony taken by them, if any, to writing, and after the testimony in each case is closed, they, or a majority of them, all being present, shall, without unnecessary delay ascertain and determine the compensation which ought justly to be made by the plaintiff to the owners of the property appraised by them; and, in fixing the amount of such compensation, they shall not make any allowance or deduction on account of any real or supposed benefits

Provision
for pay-
ment.

Code
amended.

Powers and
duties of
commis-
sioners.

which the owners may derive from the public use for which the property is to be taken, or the construction of any proposed improvement connected with such public use. But in case the plaintiff is a railroad corporation and such real property shall belong to any other railroad corporation, the commissioners on fixing the amount of such compensation, shall fix the same at its fair value for railroad purposes. They shall make a report of their proceedings to the supreme court with the minutes of the testimony taken by them, if any; and they shall each be entitled to six dollars for services for every day they are actually engaged in the performance of their duties, and their necessary expenses, to be paid by the plaintiff; provided, that in proceedings within the counties of New York and Kings such commissioners shall be entitled to such additional compensation not exceeding twenty-five dollars for every such day, as may be awarded by the court.

Report of
proceed-
ings.

Compensa-
tion of
commis-
sioners.

§ 2. This act shall take effect September first, eighteen hundred and ninety-eight.

When
takes
effect.

Chap. 385.

AN ACT to confer jurisdiction upon the court of claims to hear, audit and determine the alleged claim of Henry E. Tremain and Mason W. Tyler, composing the copartnership of Tremain and Tyler, against the state for damages alleged to have been sustained by them, and to render judgment therefor.

Became a law April 21, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Jurisdiction is hereby conferred upon the court of claims to hear, audit and determine the alleged claim of Henry E. Tremain and Mason W. Tyler, composing the copartnership of Tremain and Tyler, of The City of New York, against the state, for damages alleged to have been sustained by them by reason of the failure of the state of New York to compensate the said Henry E. Tremain and Mason W. Tyler, composing the copartnership of Tremain and Tyler, for the value of the professional services of the said Henry E. Tremain rendered as special counsel to the special committee of the senate of the state of New York

Jurisdic-
tion to hear
claim.

appointed by senate resolutions passed on May fifteenth, eighteen hundred and eighty-five, directed by said resolutions to investigate the consolidation and capitalization of the corporations which consolidated pursuant to the provisions of chapter three hundred and sixty-seven of the laws of eighteen hundred and eighty-four, and to report at the next session of the legislature whether, in fact, said statute was evaded, disregarded or in any manner violated, and whether the said consolidation was capitalized on the basis of the fair aggregate value of the property, franchises and rights of its constituent companies or otherwise, and what legislation, if any, in respect of lighting companies is required by the public interests, and authorized by said resolution to employ counsel, said claim to the amount of eight thousand five hundred dollars being alleged to have been duly certified by the chairman of the said special committee and approved by the then president of the senate and to make an award and render judgment therefor against the state and in favor of said claimant.

Award and
judgment.

§ 2. No award shall be made or judgment rendered herein against the state, unless the facts proved shall make out a case against the state, which would create a liability were the same established in evidence in a court of law or equity against an individual or corporation; and in case such liability shall be satisfactorily established, then the court of claims shall award to and render judgment for the claimant for such sum as shall be just and equitable, notwithstanding the lapse of time since the accruing of said damages, provided the claim hereunder is filed with the court of claims within one year after the passage of this act.

§ 3. This act shall take effect immediately.

Chap. 386.

AN ACT conferring jurisdiction upon the court of claims to hear, audit and determine the claim of Alma Farm Company, Limited, against the state of New York.

Became a law April 21, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Jurisdic-
tion to hear
claim.

Section 1. Jurisdiction is hereby conferred upon the court of claims to hear, audit and determine the alleged claim of Alma

Farm Company, Limited, a domestic corporation doing business and having its principal office at Bolton, Warren county, New York, against the state of New York, for damages claimed to have been sustained by said Alma Farm Company on or about the eleventh day of December, eighteen hundred and ninety-five, by reason of the killing by the state of certain cattle belonging to said Alma Farm Company, Limited, which cattle were alleged to have been infected with tuberculosis.

§ 2. No award shall be made, or judgment rendered herein, ^{Award and judgment.} against the state unless the facts proved shall make out a case against the state which would create a liability were the same established in evidence in a court of law or equity against an individual or corporation; and in case such liability shall be satisfactorily established, then the court of claims shall award to, and render judgment for the claimant for such sum as shall be just and equitable, notwithstanding the lapse of time since the accruing of said damages, provided the claim hereunder is filed with the court of claims within one year after the passage of this act.

§ 3. This act shall take effect immediately.

Chap. 387.

AN ACT to enable the fire commissioners of the city of New York to rehear and determine the charges against James P. Reilly, a fireman of the first grade, for reinstatement in said department.

Accepted by the city.

Became a law April 21, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The fire commissioner of the city of New York is hereby required to rehear the charges upon which James P. Reilly, formerly a fireman of the first grade, who claims to have been unlawfully and unjustly dismissed from said department for reinstatement as a fireman of the first grade, and if upon a review of all the evidence the said fire commissioner shall determine the dismissal of said James P. Reilly was illegal or unjust, the said fire commissioner shall reinstate said James P. Reilly as a fireman of the first grade, providing the said James P. Reilly ^{Rehearing of charges, authorized.} ^{Reinstatement of firemen.}

Allowance
of time in
service.

shall waive all claim against the city of New York in writing for his back pay, and if the said fire commissioner shall determine that said James P. Reilly to have been illegally or unjustly dismissed the said fire commissioner shall allow him the whole of his time since such dismissal, to be applied on his time of service as a fireman in said department, or for such other or further relief as the said fire commissioner may determine just, or to affirm his dismissal as he may determine from the evidence subject to the right of review by the appellate division of the supreme court on certiorari, as provided in such cases.

§ 2. This act shall take effect immediately.

Chap. 388.

AN ACT to extend the power of commissioners of deeds appointed in the former municipalities, now constituting The Greater New York.

Accepted by the city.

Became a law April 21, 1898, with the approval of the Governor.
Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Powers of
commis-
sioners of
deeds ex-
tended.

Section 1. All commissioners of deeds appointed on or before the first day of January, eighteen hundred and ninety-eight, in the municipalities which were united and consolidated by chapter three hundred and seventy-eight of the laws of eighteen hundred and ninety-seven, known as The Greater New York charter, into The City of New York, and whose terms had not expired on or before said first day of January, eighteen hundred and ninety-eight, shall have in the said city of New York, as constituted by said chapter three hundred and seventy-eight of the laws of eighteen hundred and ninety-seven, during the remainder of their terms, the same office, power, right and authority, as they and each of them had in the municipalities in which they were appointed.

§ 2. This act shall take effect immediately.

Chap. 389.

AN ACT to amend chapter three hundred and seventy-eight of the laws of eighteen hundred and ninety-seven, entitled "An act to unite into one municipality, under the corporate name of The City of New York, the various communities lying in and about New York harbor, including the city and county of New York, the city of Brooklyn and the county of Kings, the county of Richmond and part of the county of Queens, and to provide for the government thereof."

Accepted by the city.

Became a law April 21, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section fourteen hundred of chapter three hundred and seventy-eight of the laws of eighteen hundred and ninety-seven, entitled "An act to unite into one municipality, under the corporate name of The City of New York, the various communities lying in and about New York harbor, including the city and county of New York, the city of Brooklyn and the county of Kings, the county of Richmond and part of the county of Queens, and to provide for the government thereof," is hereby amended so as to read as follows: Charter amended.

§ 1400. All the provisions of said chapter six hundred and one of the laws of eighteen hundred and ninety-five, relating to the appointment of police clerks, their terms of office, compensation, bonds, powers and duties, the removal of the same, and relating to the appointment, compensation, terms, removal and duties of clerks, assistants, stenographers, interpreters and other necessary attendants (not exceeding two for each court) shall apply to and govern the same matters in the said second division; provided that no such clerk or other officer or employe appointed by said board of city magistrates of said second division shall hold any other office or be interested in any other business, but shall give their whole time to their respective duties, and shall reside in the borough for the city magistrate's court in which they shall be appointed respectively; and the number of such clerks to be so appointed for said second division shall be thirteen. Clerks and employes of second division of inferior courts.

§ 2. This act shall take effect immediately.

Chap. 390.

AN ACT to authorize the payment of claims for salaries of clerks temporarily employed in the department of collection of the late city of Brooklyn.

Accepted by the city.

Became a law April 21, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The comptroller of The City of New York is hereby authorized to audit and to pay out of any available fund the claims of persons temporarily employed in the department of collection in the late city of Brooklyn during the month of December, eighteen hundred and ninety-seven, as the same shall be certified by the late collector of said department or by his deputy; provided, however, that said amount does not exceed the sum of one thousand five hundred and forty dollars, and that the same may be paid to the said persons or to their assignees.

§ 2. This act shall take effect immediately.

Chap. 391.

AN ACT to provide for the support and maintenance of the Woodhaven fire department of the town of Jamaica, borough of Queens, in The City of New York.

Accepted by the city.

Became a law April 21, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The board of estimate and apportionment of The City of New York is hereby authorized to appropriate such sum or sums as said board may deem necessary for the support and maintenance of the Woodhaven fire department incorporated by an act entitled "An act to incorporate the Woodhaven fire department of the town of Jamaica," being chapter six hundred and seventy-four of the laws of eighteen hundred and ninety-five.

§ 2. This act shall take effect immediately.

Chap. 392.

AN ACT to provide for the payment of certain claims for material furnished and work, labor and services performed for the commissioner of correction of the city of New York in connection with alterations to the tombs and other institutions.

Accepted by the city.

Became a law April 21, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The board of estimate and apportionment of The City of New York is hereby authorized and directed to inquire into the facts relative to the justness of the claims of J. A. Rennie, Withers and Dickson, George B. Brown, William Farrell, John Boyle and Company, C. M. Childs and Company, Henry Gade, Ogden and Wallace, Repauno Chemical Company, William P. Youngs and Brother, E. G. Shepard, Osborne and Burke, and the Baker Artesian Well Company, not exceeding in the aggregate the sum of three thousand dollars in all, for work, labor and services done and material furnished during the years eighteen hundred and ninety-six or eighteen hundred and ninety-seven, at the special instance and request of the then commissioner of correction of the city of New York, in connection with the erection of an addition or extension to the city prison known as the "Tombs," in the city of New York, and to other institutions and buildings under the jurisdiction and control of the said department of correction of the city of New York during such years, under and by virtue of the powers supposed to be vested in said commissioner of correction by chapter six hundred and twenty-six of the laws of eighteen hundred and ninety-six. The said board of estimate and apportionment, in dealing with the matters aforesaid, shall treat the same as matters of fact without regard to the question whether such work, labor and services so performed or materials furnished, were legally ordered to be done or legally ordered to be furnished, and if it shall appear to said board of estimate and apportionment that said work and materials for which said claims are made, or any portion thereof, were actually done, furnished and supplied, and were actually ordered by said late commissioner of correction for the actual use of said department of correction

Investigation of claims.

Duties of board of estimate.

Payment
by comp-
troller.

of the city of New York, in the discharge of his official duties as such commissioner, then said board of estimate and apportionment shall so certify in writing, and shall also certify the reasonable value thereof to the comptroller of The City of New York, and said comptroller shall thereupon, and he is hereby authorized and directed to pay for the same, at such fair and reasonable value, together with interest thereon from the first day of January, eighteen hundred and ninety-eight, the amount so paid to be charged to and to be made out of any unexpended balance of any appropriation made to the department of correction of the city of New York for any purpose for the year eighteen hundred and ninety-seven.

§ 2. This act shall take effect immediately.

Chap. 393.

AN ACT to amend section thirty-three hundred and fourteen of the code of civil procedure relative to fees of jurors.

Became a law April 21, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section thirty-three hundred and fourteen of the code of civil procedure is hereby amended to read as follows:

§ 3314. Supervisors may make allowance to grand and trial jurors. In the county of New York, the common council, and in any other county the board of supervisors, may direct that a sum, not exceeding two dollars, in addition to the fees prescribed in the last section, or in any other statutory provision, be allowed to each grand juror, and each trial juror for each day's attendance at a term of a court of record, of civil or criminal jurisdiction, held within their county. If a different rate is not otherwise established as herein provided, each juror is entitled to five cents for each mile necessarily travelled by him in going to and returning from the term; but such common council or board of supervisors may establish a lower rate. A juror is entitled to mileage for actual travel once in each calendar week during the term, except that in the county of Queens, grand and trial jurors may be paid four cents a mile for each mile necessarily travelled

in going to and returning for each day of actual travel during the term in lieu of any other mileage. The sum so established or allowed must be paid by the county treasurer upon the certificate of the clerk of the court, stating the number of days that the juror actually attended, and the number of miles travelled by him in order to attend. The amount so paid must be raised in the same manner as other county charges are raised.

§ 2. This act shall take effect immediately.

Chap. 394.

AN ACT to amend the penal code, in relation to the punishment of fraudulent entries and practices in contests of speed between trotting and pacing horses.

Became a law April 21, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The penal code is hereby amended by adding at the end of title eleven thereof a new section to be section three hundred and eighty-four-o, and to read as follows:

§ 384o. Fraudulent entries and practices in contests of speed.

Any person who

1. Knowingly enters for competition for any purse, prize, premium, stake or sweepstakes offered or established by any person, association or corporation, any trotting or pacing horse, mare, gelding, colt or filly under an assumed name, or out of its proper class, or that has been painted or disguised or represented to be any other or different horse, mare, gelding, colt or filly from the one which is purported to be entered where such prize, purse, premium, stake or sweepstakes is to be decided by a contest of speed; or

2. Being the owner, trainer, or other person having the control of the racing qualities of any trotting or pacing horse, mare, gelding, colt or filly, knowingly allows the same to compete for any such prize, purse, premium, stake or sweepstakes under an assumed name, or out of its proper class, or as any other or different horse, mare, gelding, colt or filly than the one it actually is; or

3. In any competition for any such purse, prize, premium, stake or sweepstakes, knowingly drives any trotting or pacing horse, mare, gelding, colt or filly which has been entered under an assumed name, or out of its proper class or which has been painted or disguised, or represented to be any other or different horse, mare, gelding, colt or filly than the one it actually is

Shall be guilty of a misdemeanor, punishable by a fine of not less than five hundred nor more than fifteen hundred dollars, or by imprisonment for not more than one year, or both.

The class to which any such animal belongs for the purpose of the entry in any such contest of speed shall be determined by the public performance thereof in former contests or trials of speed, as provided by the printed rules of the person, association or corporation under which the proposed contest is advertised to be conducted.

§ 2. This act shall take effect immediately.

Chap. 395.

AN ACT to encourage the development of art in the cities of the state.

Became a law April 21, 1898, with the approval of the Governor.

Passed, three-fifths being present

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Cities of the first and second class in the state are hereby authorized, in the discretion of those officers or bodies of such cities that have charge of the appropriation of the public funds, to purchase works of art which must be the production of professional artists who are citizens of the United States, and the said works of art must have been executed in the United States. The word "productions" shall be held to include mural paintings or decorations which artists may be employed to put on the walls of the public buildings of such cities, mosaic and stained or painted glass. Cities of the first class may expend under this act any amount not to exceed fifty thousand dollars annually. Cities of the second class may expend under this act not to exceed ten thousand dollars annually.

Purchase
of art
produc-
tions in
certain
cities.

Limitation
of expendi-
tures.

§ 2. Where no provision is now made by law for an art commission for any city of the first or second class the mayors of such city shall, as soon as any city decides to expend any moneys under this act, appoint art commissioners for such cities. Such commissioners may include women, and shall not contain more than a bare majority of persons selected from any one political party. It shall be composed of persons who are experts in art matters.

Art commissioners.

Selection and placing of art productions.

§ 3. All art productions purchased under this act shall be selected by the art commission of the city, and be placed in the public buildings, grounds or parks thereof, for the purpose of beautifying the same.

§ 4. This act shall take effect immediately.

Chap. 396.

AN ACT to amend section twenty of chapter five hundred and seventy of the laws of eighteen hundred and ninety-five, entitled "An act for the incorporation of associations for the improvement of the breed of horses and to regulate the same; and to establish a state racing commission," relating to collection of tax.

Became a law April 21, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section twenty of chapter five hundred and seventy of the laws of eighteen hundred and ninety-five is hereby amended so as to read as follows:

Act amended.

§ 20. The governor shall, within twenty days after the passage of this act, appoint two suitable persons to supervise the collection of the tax imposed by chapter five hundred and seventy of the laws of eighteen hundred and ninety-five, and the amendments thereto, whose duty it shall be to ascertain and report to the comptroller of the state, under his direction, the gross receipts of the corporations, firms or associations, person or persons, referred to in said chapter and the amendments thereto, and exercising the privileges conferred thereby, and who shall have access to the grounds, books and records of each of such associations and corporations, firm, person or persons, and who shall hold office for a period of five years. One of the persons so appointed shall examine the books and records of the running race meetings

Persons to supervise collection of tax.

Duties.

Examination and compensation.

and shall receive an annual compensation of two thousand five hundred dollars, together with five hundred dollars annually, payable monthly, in lieu of and in full for all expenses and disbursements incurred by him; and the other shall examine the books and records of the trotting race meetings and shall receive an annual compensation of one thousand five hundred dollars together with five hundred dollars annually, payable monthly, in lieu of and in full for all expenses and disbursements incurred by him. It shall be the duty of the comptroller to cause to be prepared and furnish suitable forms, blanks and record books for the use of such persons in the performance of the duties hereby imposed upon them.

§ 2. This act shall take effect immediately.

Chap. 397.

AN ACT providing for the construction of a lift or hoist bridge over the Erie canal, on Washington street, in the city of Utica, and making an appropriation therefor, and authorizing the city of Utica to raise money for the construction thereof.

Became a law April 22, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Whenever the city of Utica shall, by its proper authorities, deposit in some bank of deposit, which shall be approved of by the superintendent of public works, the sum of four thousand dollars to be expended in the manner hereinafter described, which money shall be made payable to the order of the superintendent of public works for the purpose hereinafter mentioned, the superintendent of public works is authorized to construct a suitable lift or hoist bridge, with the necessary abutments and appurtenances thereto, over the Erie canal in the city of Utica, on Washington street. The plans for said bridge shall be prepared by the state engineer and surveyor, and the said bridge, when completed, shall be operated under the direction of the superintendent of public works. Eighteen thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the treasury

Forms,
blanks
etc.

Construc-
tion of
bridge.

Plans.

Appropriation by
state.

not otherwise appropriated, for the purpose of carrying into effect the provisions of this act, and the said treasurer is hereby directed to pay the above amount, or such part thereof as may be necessary, over and above the sum of four thousand dollars provided to be raised by the city of Utica, upon the warrant of the comptroller, to the order of the superintendent of public works for the purpose defined by this act. No part of the money herein appropriated shall be expended for the purpose aforesaid until the said sum of four thousand dollars contributed by the city of Utica shall have been expended. Any deficiency arising from the construction of said bridge, or the abutments or appurtenances thereof in excess of the sum of said four thousand dollars shall be paid by the superintendent of public works from the said eighteen thousand dollars, but said deficiency shall not exceed such sum. No work shall be done or money expended under the provision of this act until the same shall be let by contract to the lowest bidder or bidders offering to do the same, after due advertisement therefor.

Deficiency, how paid.

Contracts for work.

§ 2. It shall be lawful for the common council of the city of Utica, and it shall have the power, to borrow the sum of four thousand dollars upon the corporate bonds of the city of Utica, at a rate of interest not exceeding five per centum per annum, for the purpose of paying such additional expense, if any, necessary for constructing said bridge over the Erie canal on Washington street in the city of Utica, as shall be in excess of the sum appropriated as provided in section one of this act. Said bonds hereby authorized to be issued shall not be sold for less than par value, and said money shall be used for the construction of said bridge and for no other purpose.

Issue of city bonds.

§ 3. The said bonds, principal and interest, shall be payable in four annual installments of not more than one thousand dollars each at par value, payable on the first day of November of each and every year until the whole thereof shall be paid, and said common council shall levy and collect as part of and in addition to the annual city tax authorized by the city charter, such sums as may be necessary to pay both principal and interest of the bonds which shall fall due on each of said years aforesaid. The money so collected shall be applied to the payment of said bonds and the interest thereon.

When payable.

Tax for interest and principal.

§ 4. This act shall take effect immediately.

Chap. 398.

AN ACT to grade the members of the police force of the city of New York who were members of the New Utrecht police force before New Utrecht was annexed to the city of Brooklyn.

Accepted by the city.

Became a law April 22, 1898, with the approval of the Governor.

Passed, a majority being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The members of the police force of the city of New York who were officers of the New Utrecht police force before New Utrecht was annexed to the city of Brooklyn, are hereby graded in the same rank as they held on the New Utrecht force, and their pay shall be the same as paid to officers of corresponding rank on the said police force of the said city of New York. They shall also receive the same rights and privileges as all other members of the police force of the said city.

§ 2. This act shall take effect immediately.

Chap. 399.

AN ACT to amend the code of criminal procedure, relative to proceedings respecting the support of poor persons.

Became a law April 22, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Sections nine hundred and fourteen, nine hundred and fifteen, nine hundred and sixteen, nine hundred and seventeen, nine hundred and eighteen and nine hundred and twenty of the code of criminal procedure, are hereby amended to read as follows:

§ 914. Who may be compelled to support poor relatives. The father, mother and children, if of sufficient ability, of a poor person who is insane, blind, old, lame, impotent or decrepit, so as to be unable by work to maintain himself, must, at their own charge, relieve and maintain him in a manner to be approved by the over-

seers of the poor of the town where he is, or in The City of New York, by the commissioners of public charities. If such poor person be insane, he shall be maintained in the manner prescribed by the insanity law. The father, mother, husband, wife or children of a poor insane person legally committed to and confined in an institution supported in whole or in part by the state, shall be liable, if of sufficient ability, for the support and maintenance of such insane person from the time of his reception in such institution.

§ 915. Order to compel a person to support a poor relative et cetera. If a relative of a poor person fail to relieve and maintain him, as provided in the last section, the overseers of the poor of the town where he is, or in The City of New York, the commissioners of public charities may apply to any court of record or to a judge thereof where the relative dwells, for an order to compel such relief, upon at least ten days' written notice, served personally, or by leaving it at the last place of residence of the person to whom it is directed, in case of his absence, with a person of suitable age and discretion. If such poor person be insane and legally committed to and confined in an institution supported in whole or in part by the state, and his relatives refuse or neglect to pay for his support and maintenance therein, application may be made by the treasurer of such institution in the manner provided in this section for an order directing the relatives liable therefor to make such payment.

§ 916. Court to hear the case and make order of support. At the time appointed in the notice, the court or a judge thereof must proceed summarily to hear the allegations and proofs of the parties, and must order such of the relatives of the poor person mentioned in section nine hundred and fourteen, as were served with the notice and are of sufficient ability, to relieve and maintain him, specifying in the order the sum to be paid weekly for his support, and requiring it to be paid by the father, or if there be none, or if he be not of sufficient ability, then by the children, or if there be none, or if they be not of sufficient ability, then by the mother. If the application be made to secure an order compelling relatives to pay for the maintenance of insane poor persons committed to and confined in an institution supported in whole or in part by the state such order shall specify the sum to be paid for his maintenance by his relatives liable therefor, from the time of his reception in such institution to the

time of making such order, and also the sum to be paid weekly for his future maintenance in such institution. The relatives served with such notice shall be deemed to be of sufficient ability, unless the contrary shall affirmatively appear to the satisfaction of the court or a judge thereof.

§ 917. Support; when to be apportioned among different relatives. If it appear that any such relative is unable to wholly maintain the poor person or to pay for his maintenance if confined in a state institution for the insane, but is able to contribute toward his support, the court or a judge thereof may direct two or more relatives, of different degrees, to maintain him or to pay for his maintenance in such an institution if insane, prescribing the proportion which each must contribute for that purpose; and if it appear that the relatives are not of sufficient ability wholly to maintain him, or to pay for his maintenance in such an institution, if insane, but are able to contribute something, the court or a judge thereof must direct the sum, in proportion to their ability, which they shall pay weekly for that purpose. If it appears that the relatives who are liable for the maintenance of an insane poor person confined in a state institution for the insane are not able to pay the whole amount due for such maintenance from the time of such poor person's admission to such institution, the court or a judge thereof must direct the sum to be paid for such maintenance in proportion to the ability of the relatives liable therefor.

§ 918. Order to prescribe time during which support is to continue, or may be indefinite; when and how order may be varied. The order may specify the time during which the relatives must maintain the poor person, or during which any of the sums directed by the court or a judge thereof are to be paid, or it may be indefinite or until the further order of the court or a judge thereof. If the order be for payment of a weekly sum for the maintenance of an insane poor person in a state institution, the order shall specify that such sum shall be paid as long as such insane poor person is maintained in such institution. The court or a judge thereof may from time to time vary the order, as circumstances may require, on the application either of any relative affected by it, or of an officer on whose application the order was made, upon ten days' written notice.

§ 920. Action on the order on failure to comply therewith. If a relative, required by an order of the court or a judge thereof, to relieve or maintain a poor person, neglect to do so in the manner approved by the officers mentioned in section nine hundred and fourteen, and neglect to pay to them weekly the sum prescribed by the court or a judge thereof, the officers may maintain an action against the relative, and recover therein the sum prescribed by the court or a judge thereof for every week the order has been disobeyed, to the time of the recovery, with costs, for the use of the poor. If the order directs a relative to pay for the maintenance of an insane poor person in a state institution, and such relative refuses or neglects to pay the amount specified therein, an action may be brought by the treasurer of such institution in its corporate name to recover the amount due to such institution by virtue of such order.

§ 2. This act shall take effect immediately.

Chap. 400.

AN ACT amending the fisheries, game and forest law, and the act amendatory thereof, in relation to certain fish that may be caught through the ice in lakes and waters named.

Became a law April 22, 1898, with the approval of the Governor.

Passed, a majority being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one hundred and forty-one of chapter four hundred and eighty-eight of the laws of eighteen hundred and ninety-two, the title to which was amended by chapter three hundred and ninety-five of the laws of eighteen hundred and ninety-five, to read "An act relating to game, fish and wild animals and to the forest preserve and Adirondack park, constituting chapter thirty-one of the general laws and to be known as the fisheries, game and forest laws," as amended by chapter nine hundred and seventy-four of the laws of eighteen hundred and ninety-five, is hereby amended to read as follows:

§ 141. Certain fish may be caught through the ice in lakes and waters named. Pickerel, bullheads, catfish, eels, perch, and sunfish may be fished for through the ice with hooks and line, or tip-

ups, in Lake Keuka or Crooked lake, in Queechey lake, in Conesus lake, in any waters in Sullivan county not inhabited by brook trout and in any other waters of the state not inhabited by trout, lake trout, salmon trout, black or Oswego bass, or land-locked salmon or muscallonge, except in the waters of the town of Smithville, in Chenango county, and by set lines in the Susquehanna river and in the Chenango and Unadilla rivers and their tributaries in Chenango county. Suckers, bullheads, eels and dog-fish may be caught from December first to May fifteenth by the means of hooking in Oneida lake, Oneida river, Onondaga lake, and in the waters of Cortland, Tioga, Broome, Chenango and Otsego counties, in the Delaware and Charlotte rivers in the counties of Delaware and Sullivan, in the Schoharie river and its tributary streams in Schoharie county, and by spearing in the Delaware river in Delaware county from April first to October first. Suckers, bullheads and eels may be caught in Seneca lake and in the Chenango river and its tributaries in Chenango county, with seines four rods in length and meshes not to be less than one and one-fourth inches in size, with rope for hauling not to be more than thirty feet in length at each end of net provided that permission so to do has first been obtained from the commissioners of fisheries, game and forests.

§ 2. This act shall take effect immediately.

Chap. 401.

AN ACT to amend the fisheries, game and forest law, in relation to fish in Lake Ontario and other waters.

Became a law April 22, 1898, with the approval of the Governor.

Passed, a majority being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one hundred and thirty-two of chapter four hundred and eighty-eight of the laws of eighteen hundred and ninety-two, the title to which was amended by chapter three hundred and ninety-five of the laws of eighteen hundred and ninety-five, to read "An act relating to game, fish and wild animals and to the forest preserve and Adirondack park, constituting chapter thirty-one of the general laws, and to be known as the fisheries, game and forest law," as amended by chapter nine hundred and

seventy-four of the laws of eighteen hundred and ninety-five, is hereby amended to read as follows:

§ 132. **Lake Ontario, Lake Erie and Cattaraugus creek, fishing by certain devices prohibited.** No fish shall be fished for, caught or killed in any manner or by any device except angling, in the waters of Lake Erie, within one-half of a mile of the shores thereof, or of any of the islands therein, nor in the Cattaraugus creek, or within five miles of the mouth thereof, or of any island therein; nor in Lake Ontario, within one mile of the shore, or of any island therein, nor within three miles of the mouth of the Niagara river, the waters of Lake Ontario in the county of Oswego, between the northerly line of the town of Mexico and Jefferson county line, are hereby exempt from the provisions of this act, but sections one hundred and ten and one hundred and eleven of this act shall apply to said waters. Fish taken contrary to the provisions of this section shall not be knowingly possessed. Whoever shall violate or attempt to violate the provisions of this section shall be deemed guilty of misdemeanor and in addition thereto shall be liable to a penalty of one hundred dollars for each violation thereof.

§ 2. Article six of chapter four hundred and eighty-eight of the laws of eighteen hundred and ninety-two, the title to which was amended by chapter three hundred and ninety-five of the laws of eighteen hundred and ninety-five, to read "An act relating to game, fish and wild animals and to the forest preserve and Adirondack park, constituting chapter thirty-one of the general laws, and to be known as the fisheries, game and forest law," as amended by chapter nine hundred and seventy-four of the laws of eighteen hundred and ninety-five, is hereby amended by adding thereto another section, to be known as section number one hundred and thirty-two-a, to read as follows:

§ 132a. **Nets in Chaumont bay and adjacent waters.** The waters and bays of Lake Ontario, in the county of Jefferson, within one mile of the shore, between Horse island, in the town of Hounsfield, and the town line between the towns of Lyme and Cape Vincent, except the waters within one mile of Stony island or of the Galloup islands, are so far excepted from the provisions of this act as to permit the taking of fish by nets therein from October first to April thirtieth. Provided that no net shall be set until license therefor has been granted by the commissioners of fisheries, game and forest, which shall be granted, except as hereinafter provided, on the

execution of a satisfactory bond to be approved by said commissioners, conditioned for the payment to the people of the state of the sum of one hundred dollars if the holder of the license shall violate any of the provisions of this section as to black and Oswego bass and muscallonge while the license is in force. The license fee shall be one dollar for a net, and a single license may be for five nets. All black and Oswego bass and muscallonge caught in nets set pursuant to this section shall be immediately returned to the water alive, and without unnecessary injury. No license shall issue to any person who shall have been convicted under this section or whose bond shall have been adjudged to be forfeited. Except as herein provided the use of nets in said waters is hereby prohibited. Whoever shall violate or attempt to violate the provisions of this section shall be deemed guilty of a misdemeanor and in addition thereto shall be liable to a penalty of one hundred dollars for each violation thereof.

§ 3. All acts or parts of acts so far as they are inconsistent with the provisions of this act are hereby repealed.

§ 4. This act shall take effect immediately.

Chap. 402.

AN ACT to make the office of coroner within the county of Ulster a salaried office, and to regulate the management of said office.

Became a law April 22, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Annual
salary of
coroners.

Section 1. The several coroners within the county of Ulster next elected or appointed and thereafter to be elected or appointed shall each receive as compensation for their services and expenses an annual salary of five hundred dollars, which shall not be increased or diminished during their several terms of office, which shall be paid to each of such coroners quarterly by the county treasurer of said county, and such salary shall be in lieu of any fees or compensation for services and expenses.

Duty of
coroners.

§ 2. Whenever, after this act becomes a law, a coroner in the county of Ulster is informed that a person has been killed or dangerously wounded by another or has suddenly died under

such circumstances as to afford a reasonable ground to suspect that such death has been occasioned by the act of another, by criminal means, or has committed suicide, he must go to the place where the person is and forthwith inquire into the cause of the death or wounding, and if he deems an examination by a physician necessary, he may, upon being authorized in writing by the supervisor of the town where such person is; or if in the city of Kingston upon being authorized in writing by the mayor, employ one physician to make an examination of such person. The compensation for said examination of such physician shall not exceed the sum of ten dollars, and the same shall be a charge upon the town or city in which such person is found.

Employment of physicians.

§ 3. If upon such examination such coroner or other person acting as coroner shall be of the opinion that the death or wounding was caused by the act of another by criminal means, he shall at once notify the district attorney of said county.

Notice to district attorney.

§ 4. Thereupon the district attorney of said county may, if he deem it necessary, direct such coroner or other person acting as coroner, to empanel a jury and hold an inquest upon such person in accordance with the provisions of title one of part six of the code of criminal procedure of the state of New York. And no coroner now holding office in said county or hereafter to be elected or appointed coroner within said county, or other person acting as coroner, shall hold such an inquest within said county unless so directed.

Coroners' inquest.

§ 5. All acts and parts of acts inconsistent with this act are hereby repealed as to Ulster county, and said county is excepted from their provisions.

Repeal.

§ 6. This act shall take effect immediately.

Chap. 403.

AN ACT to amend the game law, and the acts amendatory thereof, relating to the hunting and killing of deer in the counties of Ulster, Greene, Delaware and Sullivan.

Became a law April 22, 1898, with the approval of the Governor.

Passed, a majority being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Chapter four hundred and eighty-eight of the laws of eighteen hundred and ninety-two, the title to which was amend-

ed by chapter three hundred and ninety-five of the laws of eighteen hundred and ninety-five to read "An act relating to game, fish and wild animals, and to the forest preserve and Adirondack park, constituting chapter thirty-one of the general laws, and to be known as the fisheries, game and forest laws," as amended by chapter nine hundred and seventy-four of the laws of eighteen hundred and ninety-five is hereby amended by adding the following section, to be known as section fifty-one, to read as follows:

§ 51. Wild deer, close season in the counties of Ulster, Greene, Delaware and Sullivan. Wild deer shall not be caught, shot at, hunted, killed or possessed after being killed in the counties of Ulster, Greene, Delaware and Sullivan prior to August fifteenth, nineteen hundred and one. Whoever shall violate or attempt to violate the provisions of this section shall be deemed guilty of misdemeanor and in addition thereto shall be liable to a penalty of one hundred dollars for each wild deer caught, shot at, hunted, killed or possessed after the same is dead, contrary to the provisions of this section.

§ 2. All acts and parts of acts inconsistent with this act are hereby repealed.

§ 3. This act shall take effect immediately.

Chap. 404.

AN ACT to amend the fisheries, game and forest law, relating to hounds and other dogs running at large in the forests of this state where deer inhabit.

Became a law April 22, 1898, with the approval of the Governor.

Passed, a majority being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section forty-five of chapter four hundred and eighty-eight of the laws of eighteen hundred and ninety-two, the title to which was amended by chapter three hundred and ninety-five of the laws of eighteen hundred and ninety-five, to read "An act relating to game, fish and wild animals and to the forest preserve and Adirondack park, constituting chapter thirty-one of the general laws, and to be known as the fisheries, game and forest law," as amended by chapter nine hundred and seventy-

four of the laws of eighteen hundred and ninety-five, is hereby amended to read as follows:

§ 45. Dogs may be killed. Dogs, while chasing deer in violation of law, or any dog or bitch that will hunt, chase or pursue deer may be killed by any person when found running at large in the forests of this state where deer inhabit, and it is the duty of every game protector and forester to kill all dogs when found running at large in violation of this act, and no action for damage shall lie or be maintained against any person for such killing.

§ 2. All acts and parts of acts inconsistent with this act are hereby repealed.

§ 3. This act shall take effect immediately.

Chap. 405.

AN ACT to amend the fisheries, game and forest law, in relation to eel weirs.

Became a law April 22, 1898, with the approval of the Governor.

Passed, a majority being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one hundred and forty-three of chapter four hundred and eighty-eight of the laws of eighteen hundred and ninety-two, the title to which was amended by chapter three hundred and ninety-five of the laws of eighteen hundred and ninety-five, to read "An act relating to game, fish and wild animals, and to the forest preserve and Adirondack park, constituting chapter thirty-one of the general laws, and to be known as the fisheries, game and forest law," as amended by chapter six hundred and fifty-eight of the laws of eighteen hundred and ninety-six, is hereby amended to read as follows:

§ 143. Eel weirs. Eel weirs of which the laths are not less than one inch apart, may be maintained at any time in any of the waters of this state not inhabited by trout, lake trout, salmon trout, or land-locked salmon, except in the Chemung river and its tributaries in the counties of Steuben and Chemung, and except in waters in Cayuga county, and except in the Susquehanna river; provided, that there be a clear passage at low water mark at some point in said weir of not less than ten feet in width for the passage of boats and fish. Eel pots of a form and character

such as may be prescribed by the rules of the commissioners of fisheries, game and forest, may be used in any waters not inhabited by trout, lake trout, salmon trout, or land-locked salmon. Except as herein provided the use of eel weirs and eel pots, in any waters of the state is prohibited. Whoever shall violate or attempt to violate the provisions of this section shall be deemed guilty of misdemeanor, and in addition thereto shall be liable to a penalty of sixty dollars for each and every eel weir or eel pot built or maintained in violation of this section, and ten dollars for each fish caught therein in violation of this section. The provisions of this section shall not apply to Long Island.

§ 2. All acts or parts of acts, so far as they are inconsistent with the provisions of this act, are hereby repealed.

§ 3. This act shall take effect immediately.

Chap. 406.

AN ACT to amend the fisheries, game and forest law, in relation to firewardens' accounts.

Became a law April 22, 1898, with the approval of the Governor.
Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section two hundred and seventy-eight of chapter four hundred and eighty-eight of the laws of eighteen hundred and ninety-two, the title to which was amended by chapter three hundred and ninety-five of the laws of eighteen hundred and ninety-five, to read "An act relating to game, fish and wild animals, and to the forest preserve and Adirondack park, constituting chapter thirty-one of the general laws, and to be known as the fisheries, game and forest law," as amended by chapter six hundred and fifty-five of the laws eighteen hundred and ninety-six, is hereby amended to read as follows:

§ 278. Compensation of firewardens. For their services while on duty at a forest or woodland fire, or in connection with the prevention of fires, the firewardens shall receive a compensation of two dollars and fifty cents per day for the time actually employed; and each person assisting in extinguishing a forest or woodland fire, or who shall have been ordered to go to the place where such fire may be burning, shall receive a compensation of

two dollars per day for the time actually employed. The services of the town firewarden, district firewarden, or persons assisting or ordered out at a forest fire shall be a town charge, and shall be audited and paid by the town; but the comptroller of the state shall annually pay to the towns within the counties containing the forest preserve, a sum equal to one-half the expenses thus incurred, audited and paid. In order to secure such payment from the state, all bills for the services of the town firewarden, district firewardens, or persons assisting or ordered out at a forest or woodland fire, shall be made out in duplicate and approved by the town firewarden, one of which bills shall be forwarded to the board of fisheries, game and forests, and to which bill there shall be attached a certificate of the town board of auditors stating that said bill has been audited and paid; and no payment of moneys or rebate of any kind, for expenses incurred in the extinguishment or prevention of forest fires shall be made to the town by the comptroller, except on such bills, which must also be approved by the board of fisheries, game and forests or by such official in their employ as they may designate to perform such duty.

§ 2. All acts or parts of acts so far as they are inconsistent with the provisions of this act are hereby repealed.

§ 3. This act shall take effect immediately.

Chap. 407.

AN ACT to amend chapter four hundred and eighty-eight of the laws of eighteen hundred and ninety-two, known as the fisheries, game and forest law, section one hundred and eleven, and by adding thereto section one hundred and fifty-eight, relating to suckers, eels and bullheads.

Became a law April 22, 1898, with the approval of the Governor.
Passed, a majority being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one hundred and eleven of article five of chapter four hundred and eighty-eight of the laws of eighteen hundred and ninety-two, as amended by chapter five hundred and thirty-one

of the laws of eighteen hundred and ninety-six, is hereby amended so as to read as follows:

§ 111. Black bass not to be taken less than ten inches in length; number of catch prescribed. No black bass less than ten inches in length, shall be intentionally taken from any of the waters of this state, nor possessed, and in case any such fish is taken, the person taking it shall immediately return it to the waters from which it was taken without unnecessary injury. No person shall take, catch, kill or possess more than twenty-four black bass of the size permitted by this article in any one day. Where two or more persons are fishing or angling from the same boat, the aggregate number of bass taken, caught, killed or possessed, by the occupants of said boat in any one day, shall not exceed thirty-six. The provisions of this section shall not apply to the Saint Lawrence river between Tibbet's point lighthouse and the city of Ogdensburgh. Whoever shall violate the provisions of this section shall be deemed guilty of misdemeanor and in addition thereto shall be liable to a penalty of ten dollars for each fish so taken or possessed.

§ 2. Chapter four hundred and eighty-eight of the laws of eighteen hundred and ninety-two, is further amended by adding thereto, in article six, section one hundred and fifty-eight.

§ 158. It shall be lawful to spear bullheads, suckers and eels in the waters of Lake Ontario in the towns of Ellisburgh, Henderson, Houndsfield and Brownville, in Jefferson county, at any time.

§ 3. This act shall take effect immediately.

Chap. 408.

AN ACT to amend the game law and acts amendatory thereof, relating to the screening of streams and rivers to prevent the passage of fish.

Became a law April 22, 1898, with the approval of the Governor.

Passed, a majority being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Game law
amended.

Section 1. Chapter four hundred and eighty-eight of the laws of eighteen hundred and ninety-two, the title to which was amended by chapter three hundred and ninety-five of the laws of eighteen hundred and ninety-five to read "An act relating to

game, fish and wild animals, and to the forest preserve and Adirondack park constituting chapter thirty-one of the general laws, and known as the fisheries, game and forest law," as amended by chapter nine hundred and seventy-four of the laws of eighteen hundred and ninety-five is hereby amended by adding the following section to be known as section two hundred and sixty-four, to read as follows:

§ 264. No person or persons, association, corporation or company shall build, place or maintain any rack, screen, weir or other obstruction across any of the creeks, streams, or rivers of the state inhabited by fish protected by law that will prevent the passage of fish from one point to another point in said waters except as provided in section one hundred and forty-three of the fisheries, game and forest law. Screening of streams to prevent passage of fish. Whoever shall violate or attempt to violate the provisions of this section by placing, maintaining or causing to be placed or maintained any rack, screen, weir or other obstruction to prevent the passage of fish as aforesaid shall be deemed guilty of misdemeanor and in addition thereto shall be liable to a penalty of fifty dollars for each rack, screen, weir or other obstruction built or maintained in violation of this section. Violation of provisions.

§ 2. All acts or parts of acts inconsistent with this act are hereby repealed.

§ 3. This act shall take effect immediately.

Chap. 409.

AN ACT to amend the fisheries, game and forest law, in relation to wild Mongolian ring-necked pheasants.

Became a law April 22, 1898, with the approval of the Governor.
Passed, a majority being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section eighty-two of chapter four hundred and eighty-eight of the laws of eighteen hundred and ninety-two, the title to which was amended by chapter three hundred and ninety-five of the laws of eighteen hundred and ninety-five, "An act in relation to game, fish and wild animals and the forest preserve and Adirondack park, constituting chapter thirty-one of the general laws, and to be known as the fisheries, game and forest

law," as amended by chapter nine hundred and seventy-four of the laws of eighteen hundred and ninety-five, and chapter one hundred and eighty of the laws of eighteen hundred and ninety-six, is hereby amended to read as follows:

§ 82. **Mongolian ring-necked pheasant.** No person shall kill, expose for sale, or have in his or her possession after the same has been killed, any wild Mongolian ring-necked pheasant (*phasius torquatus*) prior to the year nineteen hundred, except in the county of Suffolk. Wild Mongolian ring-necked pheasants shall not be pursued, shot at, hunted, killed, trapped or snared in the county of Suffolk except from the first day of October to the thirty-first day of January, both inclusive. Whoever shall violate or attempt to violate the provisions of this section shall be deemed guilty of misdemeanor, and in addition thereto shall be liable to a penalty of twenty-five dollars for each bird killed, trapped, snared or possessed contrary to the provisions of this section.

§ 2. This act shall take effect immediately.

Chap. 410.

AN ACT to amend the banking law, relative to restrictions as to banks and their officers.

Became a law April 22, 1898, with the approval of the Governor.

Passed, a majority being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section eighty-nine of the banking law is hereby amended to read as follows:

§ 89. **Restrictions as to banks and their officers.** No bank in this state, or any officer or director thereof, shall open or keep an office of deposit or discount other than its principal place of business, except that any bank located in a city of over one million inhabitants, according to the last state or federal enumeration, and whose certificate of incorporation shall so provide, may open and keep one or more branch offices in such city for the receipt and payment of deposits and for making loans and discounts to the customers of such branch offices only; provided, however, that before opening any branch office the approval in writing of the superintendent of banks shall be first

obtained, and no loans or discounts shall be made except such as may have been previously authorized by the board of directors. Every such officer or director violating the provisions of this section shall forfeit to the people of the state the sum of one thousand dollars for every such violation.

§ 2. This act shall take effect immediately.

Chap. 411.

AN ACT to amend chapter two hundred and three of the laws of eighteen hundred and eighty-one, entitled "An act to authorize the burial of the bodies of any honorably discharged soldier, sailor or marine, who shall hereafter die without leaving means sufficient to defray funeral expenses," as amended by chapter two hundred and sixteen of the laws of eighteen hundred and eighty-seven; to provide for a headstone for any honorably discharged soldier, sailor or marine heretofore or hereafter buried in any of the counties of this state.

Became a law April 22, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section two of chapter two hundred and three of the laws of eighteen hundred and eighty-one as amended by chapter two hundred and sixteen of the laws of eighteen hundred and eighty-seven, is hereby amended to read as follows: Act amended.

§ 2. Any interment provided for by the provisions of this act shall not be made in a cemetery, or in any cemetery or plot used exclusively for the burial of the pauper dead. The grave of any such deceased soldier, sailor or marine, and the grave of any honorably discharged soldier, sailor or marine who served in the army or navy of the United States during the late rebellion, who shall have been heretofore buried in any of the counties of this state, but whose grave is not marked by a suitable headstone, and who died without leaving means to defray the expense of such headstone; and the grave of any honorably discharged soldier, sailor or marine who served in the army or navy of the United States during the revolutionary war, the war of eighteen hundred and twelve, or war with Mexico, and who shall have been heretofore buried in any of the counties of this state, but whose grave

Burial of
soldiers,
sailors or
marines.

Headstones to be furnished.

is not now marked by a suitable headstone, shall be marked by a headstone containing the name of the deceased, and, if possible, the organization to which he belonged or in which he served; such headstone shall not cost more than fifteen dollars, and shall be of such design and material as shall be approved by the board of supervisors, and the expense of such burial and headstone as above provided for shall be a charge upon and shall be paid by the county in which the said soldier, sailor or marine shall have died; and the board of supervisors or other board or officer vested with like powers, of the county of which such deceased soldier, sailor or marine was a resident at the time of his death, is hereby authorized and directed to audit the account and pay the expense of such burial and headstone in the same manner in which the accounts of such officer as shall be charged with the performance of such duty as above provided shall be audited and paid.

Audit and payment of expense.

§ 2. This act shall take effect immediately.

Chap. 412.

AN ACT to prevent the adulteration of and deception in the sale of linseed or flaxseed oil.

Became a law April 22, 1898, with the approval of the Governor.

Passed, a majority being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Manufacture and sale of oils restricted.

Section 1. No person, firm or corporation shall manufacture or mix for sale, sell, or offer for sale, under the name of raw linseed oil, any article which is not wholly the product of commercially pure linseed or flaxseed. Nor shall any person, firm or corporation manufacture or mix for sale, sell, or offer for sale, under the name of boiled linseed oil, any article, unless the oil from which said article is made be wholly the product of commercially pure linseed or flaxseed, and unless the same has been heated to at least two hundred and twenty-five degrees Fahrenheit.

Proviso as to sale, etc., of compounds.

2. Nothing in this act shall be construed as prohibiting the sale or manufacture of any compound of linseed or flaxseed oil; provided, that such compound, if it imitates in appearance and is designed to take the place of linseed or flaxseed oil, shall not be manufactured or mixed for sale, sold or offered for sale, under

a name or description containing the words "linseed oil" or "flaxseed oil."

3. Any person, firm or corporation who shall violate any of the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished, for each and every such violation, with a fine of not less than fifty dollars nor more than five hundred dollars; and in default of the payment of such fine shall be committed to the county jail for a period of not less than thirty days.

Fine for violation of provisions.

4. It shall be the duty of the commissioner of agriculture to enforce the provisions of this act. The said commissioner and his assistants, experts and chemists, and other appointed by him, shall have access, ingress and egress to and from all places of business and buildings where linseed or flaxseed oil is kept for sale or stored. They shall also have the power and authority to open any tank, barrel, can or other vessel containing such oil, and may inspect the contents thereof, and take samples therefrom for analysis.

Powers and duties of commissioner of agriculture and assistants.

5. Any person, firm or corporation who shall violate any of the provisions of this act shall, in addition to the fines herein previously described, for each offense forfeit and pay a fixed penalty of one hundred dollars. Such penalty shall be recovered, with costs, in any court of the state having jurisdiction thereof, in an action to be prosecuted in the name of the people, by the commissioner of agriculture, or any of his assistants, and shall be devoted to the payment of the expenses of the department of said commissioner. In any action commenced in the supreme court for the recovery of such penalties, an application may be made on the part of the plaintiff to said court or any justice thereof for an injunction to restrain the defendant, his agents, servants and employes, from the further violation of this act during the pendency of the action, and it shall be the duty of such court or justice to grant the injunction, in the same manner as injunctions are usually granted under the rules and practice of such court, upon proof by affidavits that the defendant has been guilty of such violation, either before or after the commencement of the action. In case the plaintiff shall recover judgment for the penalty or penalties demanded in the complaint, the judgment shall contain a permanent injunction, restraining the defendant his agents, servants and employes, from any further violation of the section or sections on which the recovery is obtained.

Penalty in addition to fine.

Action for recovery of penalty.

Permanent injunction.

6. This act shall take effect immediately.

Chap. 413.

AN ACT to release to Louisa C. Meyer all the title of the people of the state to certain lands at Farmingdale, Queens county, this state.

Became a law April 22, 1898, with the approval of the Governor.

Passed by a two-thirds vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Interest of
state re-
leased.

Descrip-
tion of
property.

Section 1. All the right, title and interest which the people of the state of New York may have of, in or to all that certain lot, piece or parcel of land situate in the village of Farmingdale, in the town of Oyster Bay, county of Queens, state of New York, bounded and described as follows: Beginning at the northeast corner thereof at a point on the west line of Washington street, in the aforesaid village of Farmingdale, at a point one hundred and sixty-eight feet south from the point where the said west line of Washington street intersects the south boundary line of South Front street and where a stake is now (1873) driven to mark the point of intersection; thence continuing west along the south boundary line of a lot formerly of Gilbert Baldwin, one hundred feet; thence south fifty feet in a direction parallel to the west line of Washington street; thence east one hundred feet to a point on the aforesaid west line of Washington street fifty feet south of the point of beginning; thence north along said west line of Washington street to point of beginning. Said tract, lot or parcel of land so described and bounded is marked as lots number forty-three and forty-four on a map on file in the Queens county clerk's office, as map number two hundred and forty-two and entitled "map of the village of Farmingdale, Queens county, Long Island," made November twenty-third, eighteen hundred and forty-nine. Being and intended to be, the same premises conveyed to Oliver Ketcham and others, as trustees of the First Free Methodist church of Farmingdale, Queens county, New York, by deed made and executed by Gilbert Baldwin and wife, September eleventh, eighteen hundred and seventy-three, and recorded in Queens county clerk's office in liber four hundred and twenty of deeds, page fifty-three, on September twelfth, eighteen hundred and seventy-three, is hereby granted, released and conveyed to and vested in Louisa C. Meyer, of the city and county of New York, her heirs and assigns forever, together with the appurtenances.

§ 2. This act shall take effect immediately.

Chap. 414.

AN ACT to authorize and direct the comptroller of this state to hear and determine the application of Morris Goldstein for the redemption of lot forty-eight and the east part of lot forty-seven of the Nash tract, on the south side of Nassau street, in the city of Rochester, Monroe county, New York, from the sale thereof by the comptroller, in the year eighteen hundred and ninety, for unpaid taxes.

Became a law April 22, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Jurisdiction is hereby conferred upon the comptroller of the state to hear and determine the application of Morris Goldstein for the redemption of lot forty-eight and the east part of lot forty-seven of the Nash tract, on the south side of Nassau street, in the city of Rochester, Monroe county, New York, from the sale thereof for unpaid taxes made by the comptroller in the year eighteen hundred and ninety, the said Morris Goldstein claiming to be the owner of said land and to have been in occupation thereof at the time of such sale and ever since, and that no notice to redeem has ever been served on him as prescribed by law. The said comptroller is hereby authorized and directed to act upon such application in the same manner, and with the same effect, as if the application had been made within the time allowed by law for the redemption thereof.

Jurisdiction to hear and determine claim.

Chap. 415.

AN ACT conferring local rank upon the commandant of the New York Soldiers and Sailors' Home of Bath, New York.

Became a law April 22, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The commandant of the New York Soldiers and Sailors' Home, of Bath, New York, shall have, during his incumbency and while serving as such officer, a military rank corresponding to that of a colonel of infantry in the national guard.

§ 2. While serving as such commandant he is authorized to wear the uniform and designation of grade worn by a colonel of infantry of the national guard. Nothing in this act contained shall be construed to provide any additional compensation or allowance to the officer herein specified.

§ 3. This act shall take effect immediately.

Chap. 416.

AN ACT to release to James Cassaday all the right, title and interest of the people of the state of New York of, in and to certain real estate in the town of Deerpark, county of Orange and state of New York.

Became a law April 22, 1898, with the approval of the Governor.

Passed by a two-thirds vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Interest of
state re-
leased.

Section 1. All the right, title and interest which the people of the state of New York acquired by escheat of, in and to the several pieces or parcels of land hereinafter particularly described, and of which Mary M. Cassaday, late of the town of Deerpark, in the county of Orange, died seized and intestate, is hereby granted, conveyed and released to James Cassaday, and to his heirs and assigns, forever.

Parcel one.

Parcel number one.—All that tract or parcel of land situate in the village of Port Jervis, in the town of Deerpark, county of Orange and state of New York, bounded and described as follows: Beginning at the southerly corner of Ferry and West Main streets, and running thence along Ferry street, westerly about one hundred feet, or within ten feet of the western line of land known as Stephen Saint John's land, and to within ten feet of the board fence which divides said Saint John's land and the land of the Erie Railroad Company; thence southerly as the fence runs fifty feet; thence easterly about one hundred and twenty feet to West Main street; and thence northerly along said street fifty feet to the place of beginning. Being the same premises conveyed to said Mary M. Cassaday by Anna M. Cassaday, by deed dated August twentieth, eighteen hundred and ninety-six, and recorded in Orange county clerk's office in liber four hundred and twenty-four of deeds at page five hundred and twenty-one.

Parcel number two.—Also all that other certain tract or parcel of land situate in the town of Deerpark, county of Orange and state of New York, in that part of said town known as Sparrowbush, bounded and described as follows: Beginning in the center of the plank road, about thirty feet from a pair of bars that T. A. Raymond formerly used in entering his meadow; thence running southerly along a board fence on the line of Conrad Happ's property about one hundred fifty feet to a ditch; thence westerly along Happ's line and the side of said ditch sixty feet, more or less to a board fence on line of Oliver Goble's property; thence northerly on the line of said fence to the center of said plank road, thence easterly in the center of the same to the place of beginning, containing one-eighth of an acre of land. Being the same premises conveyed to said Mary M. Cassaday by Charles Van Keuren and wife by deed dated September thirtieth, eighteen hundred and ninety-five, and recorded in the Orange county clerk's office in liber four hundred and eighteen at page thirty-four.

Parcel two.

§ 2. Nothing in this act shall be construed to impair or affect the right in said real estate of any heir-at-law, devisee, grantee or creditor by mortgage, judgment or otherwise.

Right, etc.,
not af-
fected.

§ 3. This act shall take effect immediately.

Chap. 417.

AN ACT to amend chapter four hundred and forty-six of the laws of eighteen hundred and seventy-four, entitled "An act to revise and consolidate the statutes of the state, relating to the care and custody of the insane, the management of the asylums for their treatment and safe keeping, and the duties of the state commissioner in lunacy," relating to transfers from state hospitals to the Matteawan State Hospital.

Became a law April 22, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section twenty-six of title one of chapter four hundred and forty-six of the laws of eighteen hundred and seventy-four, as amended by chapter four hundred and fifty-one of the laws of eighteen hundred and ninety-seven, is hereby amended to read as follows:

Act
amended.

Investigation into insanity of criminal prisoners, etc.

§ 26. If any person in confinement under indictment or under sentence of imprisonment, or under a criminal charge, or for want of bail for good behavior, or for keeping the peace, or for appearing as a witness, or in consequence of any summary conviction, or by order of any justice, or under any other than civil process, shall appear to be insane, the county judge of the county where he is confined shall institute a careful investigation, call two legally qualified examiners in lunacy, neither of whom shall be a physician connected with the institution in which such person so to be examined is confined, and other credible witnesses, invite the district attorney to aid in the examination, and, if he deem it necessary, to call a jury, and for that purpose is fully empowered to compel the attendance of witnesses *and and jurors, and if it be satisfactorily proved that he is insane, said judge may discharge him from imprisonment and order his safe custody and removal to a state asylum, where he shall remain until restored to his right mind, and then the superintendent shall inform the said judge and district attorney so that the person so confined may, within sixty days thereafter, be remanded to prison and criminal proceedings resumed or otherwise discharged, or if the period of his imprisonment shall have expired, he shall be discharged. When such person is sent to an asylum the county from which he is sent shall defray all his expenses while there, and of sending him back if returned, but the county may recover the amount so paid from his own estate, if he have any, or from any relative, town, city or county that would have been bound to provide for and maintain him elsewhere. The fees of the medical examiners called as witnesses, and the other necessary expenses for such investigation, shall be audited and allowed at a reasonable sum by said judge, and upon the presentation of the order made by him, such fees and expenses shall be paid by the county treasurer of the county where such person is confined, as a county charge. The commission in lunacy may, by order in writing, transfer any insane inmate of a state hospital, committed thereto upon the order of a court of criminal jurisdiction, or of a judge or justice of such a court, to the Matteawan State Hospital, and the county in which the criminal charge arose, or conviction or acquittal was had, shall defray

Fees and expenses.

Transfers to Matteawan state hospital.

* So in the original.

all the expenses of such person while at the Matteawan State Hospital and the expenses of returning him to such county.

§ 2. This act shall take effect immediately.

Chap. 418.

AN ACT to release to Lucy Priest, widow of Charles N. Priest, and to Lucy Priest, widow of Colville G. Priest, all the right, title and interest of the people of the state of New York in and to certain real estate.

Became a law April 22, 1898, with the approval of the Governor.
Passed by a two-thirds vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. All the right, title and interest of the people of the state of New York, in and to all that certain piece or parcel of land situate in the city of Buffalo, county of Erie and state of New York, bounded and described as follows: Commencing at a point in the northerly line of Elk street, at the distance of one hundred and ninety-four feet easterly from the easterly line of Chicago street; running thence easterly along the northerly line of Elk street, seventy-seven feet; thence northerly at right angles to Elk street, one hundred and fifty-two feet; thence westerly parallel with Elk street, seventy-seven feet; and thence southerly at right angles with Elk street to the place of beginning, being street numbers two hundred and thirty-four, two hundred and thirty-six and two hundred and thirty-eight Elk street in said city of Buffalo, New York, are hereby granted, conveyed and released to Lucy Priest, widow of Charles N. Priest, of the city of Buffalo, county of Erie and state of New York, and to Lucy Priest, widow of Colville G. Priest, of the city of Chicago, county of Cook, and state of Illinois, and to their heirs and assigns forever.

Interest of
state re-
leased.

§ 2. Nothing in this act shall be construed to impair or affect the right of any heir-at-law, devisee, grantee or creditor by mortgage, judgment or otherwise.

Rights,
etc., not
affected.

§ 3. This act shall take effect immediately.

Chap. 419.

AN ACT to amend section eleven of chapter five hundred and thirty-three of the laws of eighteen hundred and eighty, entitled "An act to regulate the passage of lumber, logs and other timber upon the rivers of this state recognized by law or common use as public highways for the purpose of floating and running lumber, logs and other timber over or upon the same to market or places of manufacture."

Became a law April 22, 1898, with the approval of the Governor.

Passed, a majority being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Act
amended.

Section 1. Section eleven of chapter five hundred and thirty-three of the laws of eighteen hundred and eighty, is hereby amended so as to read as follows:

Act not
applicable
to certain
waters.

§ 11. This act shall not apply to the Hudson river, the Alleghany river and its tributaries, nor the Delaware river and its tributaries, nor the waters located in Franklin county, nor the Oswegatchie river and its tributaries, nor the Grass river and its tributaries, nor the Racquette river and its tributaries, nor the West Canada creek and its tributaries above its junction with the Moose river used for floating or drawing logs or lumber; nor be construed to repeal any existing special law now applicable to any creek or river in this state.

§ 2. This act shall take effect immediately.

Chap. 420.

AN ACT to release the interest of the state of New York in certain real estate in The City of New York to Robert L. T. Irvin, Mary I. Smith and Ethel Irvin.

Became a law April 22, 1898, with the approval of the Governor.

Passed by a two-thirds vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Interest of
state re-
leased.

Section 1. All the estate, right, title, interest and property of the people of this state which may have been acquired by escheat by reason of the alienage of any person or persons taking title

under the will of James Scott, deceased, and of the heirs and devisees of such devisees, in and to the following described property, to wit: All the one undivided half part of all that messuage, dwelling house and lot of land, situate, lying and being in the First ward of The City of New York, fronting on the east on Greenwich street, now known and distinguished as number one hundred and ten on said street, bounded on the east by Greenwich street, northerly by house and lot formerly of Mr. Kortwright, westerly by house and lot formerly of Mrs. Sears and southerly by house and lot formerly belonging to Robert Buchan; which said lot is in width twenty-six feet six inches, in length on each side eighty-three feet six inches, be the same more or less, and in breadth in the rear thirty-three feet, be the same more or less, being the same property formerly owned and occupied by James Scott, now deceased, are hereby released to Robert L. T. Irvin, Mary I. Smith and Ethel Irvin, to have and to hold unto them and their heirs and assigns forever, as tenants in common, in the shares to which they are now respectively entitled in the rights, titles and interests in said lands indefeasibly heretofore acquired by them.

Description of property.

§ 2. Nothing herein contained shall be construed to impair, release, or discharge, any right, claim or interest of any heir at law, devisee or grantee, purchaser or creditor by judgment, mortgage or otherwise, in and to said premises, or any part thereof.

Rights, etc., not affected.

§ 3. This act shall take effect immediately.

Chap. 421.

AN ACT to release and grant the interest of the people of the state of New York in certain real estate in the borough of Brooklyn, New York City, county of Kings and state of New York, to Nellie McNeill and Georgianna McNeill Griffiths, formerly Georgianna McNeill, their legal representatives and devisees.

Became a law April 22, 1898, with the approval of the Governor.

Passed by a two-thirds vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. All the estate, right, title, interest and property of this state, acquired by escheat on the death of George Jamison,

Interest of state released.

otherwise known as George Jimmerson, late of the city of Brooklyn, Kings county, state of New York, in and to all the lands and premises formerly owned by said George Jamison, otherwise known as George Jimmerson, is hereby released and granted to Nellie McNeill and Georgianna McNeill Griffiths, formerly Georgianna McNeill, their legal representatives and devisees.

Pending
actions not
affected.

§ 2. Nothing herein contained shall affect any action now pending relative to said or any premises formerly owned by said George Jamison, otherwise known as George Jimmerson.

§ 3. This act shall take effect immediately.

Chap. 422.

AN ACT to license and regulate the business of private detectives and detective agencies.

Became a law April 22, 1898, with the approval of the Governor.

Passed, a majority being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

License
to be ob-
tained.

Section 1. No person or copartnership shall engage in the business of private detective for hire or reward, or advertise such business to be that of detective or as conducting a detective agency, without having first obtained a license so to do, as hereinafter provided, from the comptroller of the state of New York.

Applica-
tion for
license.

§ 2. Any person intending to conduct the business of detective or detective agency shall present to the comptroller of the state and file in his office a written application, duly signed and verified by such person and approved by not less than five reputable citizens, freeholders of the county, where such applicant resides or where it is proposed to conduct such business, which approval shall be signed by such freeholders and acknowledged by them before an officer authorized to take acknowledgment of deeds. Such application shall state the age, residence, present and previous occupation of such applicant, and the name of the city, town or village where the principal place of business is to be located, and such further facts as will tend to show the good character, competency and integrity of such applicant. The comptroller, when satisfied from an examination of such application and such further inquiry and investigation as he shall deem proper, of the good character, competency and integrity of such

Issue of
license by
comptrol-
ler.

applicant, shall issue and deliver to such applicant a license to conduct such business upon the applicant's paying to the comptroller for the use of the state, a license fee of one hundred dollars, and upon his executing, delivering and filing in the office of said Bond of applicant. comptroller, a bond to be executed by such applicant, with one or more sureties, in the sum of two thousand dollars, conditioned for the faithful and honest conduct of such business by such applicant, which bond as to its form, manner of execution and sufficiency of the security, must be approved by the said comptroller. The license granted pursuant to this act shall last for Term of license. the period of five years, but shall be revocable at all times by the comptroller for cause shown. Such bond shall be taken in the name of the people of the state of New York, and any person injured by the wilful, malicious and wrongful act of the principal Action on bond. may bring an action on said bond in his own name to recover damages suffered by reason of such wilful, malicious and wrongful act.

§ 3. In case two or more persons composing or intending to compose a copartnership wish to carry on such business, such Application and license to copartnership. application must be signed and verified by all the individuals composing or intending to compose such copartnership, and must be approved by five freeholders as provided in the foregoing section, and in case the comptroller shall grant the application, a license shall be issued to such copartnership upon the payment of a license fee of one hundred and fifty dollars, and upon the execution, delivery, approval and filing of the bond provided for in the foregoing section, which bond, however, shall be in the sum of three thousand dollars.

§ 4. Nothing in this act shall apply to employees of such duly Proviso as to employees. licensed private detectives or detective agencies, for whose good conduct in the business, however, the employers shall be responsible, or to any detective or officer belonging to the police force of the state, or any county, city, town or village thereof, appointed or elected by due authority of law.

§ 5. Any person violating any of the provisions of this act shall Misdemeanor. be guilty of a misdemeanor.

§ 6. This act shall take effect immediately.

Chap. 423.

AN ACT conferring jurisdiction upon the comptroller of the state to hear and determine the application of Charles D. Shaw, executor of the estate of Abijah B. Shaw, for the cancellation of the tax sale for unpaid taxes of all that tract or parcel of land situate in the northeast quarter of the township of Sherwood, Saint Lawrence county, known as Joe's Point, otherwise Joe Indian Island, in Cranberry lake.

Became a law April 22, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Jurisdiction to hear claim.

Section 1. Jurisdiction is hereby conferred upon the comptroller of the state to hear and determine the application of Charles D. Shaw, executor of the estate of Abijah B. Shaw, late of the town of Russell, Saint Lawrence county, for the cancellation of the tax sale of that part, tract or parcel of land situate in the northeast quarter of the township of Sherwood, county of Saint Lawrence, described as Joe's Point, and commonly known as Joe Indian Island in Cranberry lake. The said Charles D. Shaw, executor, claiming for the heirs of Abijah B. Shaw, that the said land was assessed in connection with and as a part of a tract of land known as the Proctor tract, now or lately, in whole or part, possessed by Nasco P. Abbott, as nonresident land, on which taxes were duly paid, and at the same time and covering the same period, the said point or island was assessed separately as nonresident for the same purpose, erroneously; and said land was sold on the separate nonresident assessment as an island in Cranberry lake; and the comptroller is hereby authorized to act upon the said application in the same manner and with the same effect as if the application had been made as required in the case of the purchaser at the time of the tax sale.

Notice of hearing.

§ 2. Prior to the hearing upon such application the said Charles D. Shaw, executor, shall cause to be served upon the attorney-general of the state a notice of said hearing, which said notice shall be served at least fifteen days before the date fixed for such hearing.

§ 3. This act shall take effect immediately.

Chap. 424.

AN ACT making appropriation for constructing a hoist bridge over the Erie canal, on Catherine and Almond streets in the city of Syracuse.

Accepted by the city.

Became a law April 22, 1898, with the approval of the Governor.)

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Whenever there shall be deposited in some bank of deposit, which shall be approved by the superintendent of public works, the sum of seven thousand five hundred dollars, or so much thereof as may be necessary, to defray one-half of the cost of the work herein authorized, by the city of Syracuse, or by property owners of said city, payable to the order of the said superintendent of public works, for the purpose of this act, the superintendent of public works is hereby authorized to remove the bridge over the Erie canal, on Catherine and Almond streets in the city of Syracuse, and the approaches thereto, and to cause to be constructed in lieu thereof at such point a hoist bridge, to be operated at the expense of said city, under the direction of said superintendent. The sum of seven thousand five hundred dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the treasury not otherwise appropriated, payable on the warrant of the comptroller to the order of said superintendent, as he may require the same, for carrying out the provisions of this act.

Construction of bridge authorized.

Appropriation.

§ 2. This act shall take effect immediately.

Chap. 425.

AN ACT to provide for the construction of a lighthouse on Cayuga lake, at state pier, Cayuga harbor, in the county of Cayuga, and making an appropriation therefor.

Became a law April 22, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The superintendent of public works is hereby authorized and directed to construct or cause to be constructed a

Construction of lighthouse.

Plans.

lighthouse on the shores of Cayuga lake, at State pier, at the entrance of Cayuga harbor, the total cost of which shall not exceed the sum of four hundred dollars. Such lighthouse shall be constructed in accordance with plans and specifications prepared and furnished by the state engineer and surveyor.

Maintenance and care.

§ 2. Such lighthouse shall be maintained at the expense of the state. The night locktender now assigned to duty at the harbor of Cayuga, may, in the discretion of the superintendent of public works, be assigned to care for and take charge of such lighthouse at an additional salary of not more than five dollars a month.

Appropriation.

§ 3. The sum of four hundred dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury, not otherwise appropriated, for the construction of such lighthouse. The money so appropriated shall be paid by the state treasurer on the warrant of the comptroller, issued upon the order of the superintendent of public works.

§ 4. This act shall take effect immediately.

Chap. 426.

AN ACT making an appropriation for the proper equipment, improvement and betterment of the Rome State Custodial Asylum, and to erect additional buildings therefor.

Became a law April 22, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Appropriation for asylum.

Section 1. The following sums or so much thereof as may be necessary are hereby appropriated out of any moneys in the treasury not otherwise appropriated for the Rome State Custodial Asylum, to be expended under the direction of the board of managers of the said asylum as follows: For one brick building, for the accommodation of one hundred inmates and employes, thirty-five thousand dollars; for electric lighting, plumbing, heating and completion of administration building, seven thousand dollars; for plumbing, lighting and completing kitchen building, eight thousand dollars; for furnishing and furniture, fifteen hundred dollars; for fire apparatus, five hundred dollars; for fire escapes, five hundred dollars; for completing boiler house, chimney and conduits, three thousand one hundred and sixty-two

dollars and sixty-one cents; for grading grounds and laying walks, one thousand dollars; for water supply, for fire and domestic purposes, eleven thousand eight hundred and fifty dollars; for telephone exchange, three hundred dollars; for coal sheds, three hundred dollars.

§ 2. Said sums appropriated by section one shall be paid by the Payment. treasurer of the state to the treasurer of said asylum upon warrants of the comptroller, after contracts for said sums have been submitted to and duly approved by the comptroller for the completion of such specified purposes within the amount appropriated therefor.

§ 3. This act shall take effect immediately.

Chap. 427.

AN ACT providing for the construction of a lift or hoist bridge over the Erie canal on Schuyler street, in the city of Utica, and making an appropriation therefor.

Became a law April 22, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The superintendent of public works is hereby authorized to construct a suitable lift or hoist bridge, with walks for pedestrians, with the necessary abutments and appurtenances thereto, over the Erie canal, in the city of Utica, on Schuyler street, in accordance with the plans for the same which shall be prepared by the state engineer and surveyor. The sum of eighteen thousand dollars, or so much thereof as may be necessary, is hereby appropriated, out of any money in the treasury, not otherwise appropriated, for the purpose of carrying into effect the provisions of this act and the treasurer is hereby directed to pay the above amount, or such part thereof as may be necessary, upon the warrant of the comptroller to the order of the superintendent of public works for the purpose defined by this act. The Construction of bridge authorized. cost of operating said bridge shall be a charge upon the city of Appropriation. Utica. No work shall be done or money expended for the same Cost of operating. under the provisions of this act until the same shall be let by con- Contracts for work.

Appropriation, when available.

tract to the lowest bidder or bidders offering to do the same after due advertisement thereof. No part of the money hereby appropriated shall be available until after the execution of a contract by a responsible party to said superintendent of public works, for the completion of said bridge at a cost within said appropriation, and the filing of said contract with the comptroller.

§ 2. This act shall take effect immediately.

Chap. 428.

AN ACT making an appropriation of moneys collected and due from racing associations for the promotion of agriculture.

Became a law April 22, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Appropriation for promotion of agriculture.

Section 1. The sum of fifty-five thousand dollars of the amount collected and due from racing associations in pursuance of chapter four hundred and seventy-nine of the laws of eighteen hundred and eighty-seven, as amended by chapter one hundred and ninety-seven of the laws of eighteen hundred and ninety-four, and chapter five hundred and seventy of the laws of eighteen hundred and ninety-five, and all acts amendatory thereof or supplementary thereto is hereby appropriated out of any moneys in the treasury so collected at the time of the distribution thereof as provided herein. Such sum shall be distributed in the manner provided by section eighty-eight of the agricultural law, as amended, and in the proportion provided therein for the distribution of such moneys, and shall be payable by the treasurer on the warrant of the comptroller on the order of the commissioner of agriculture.

§ 2. This act shall take effect immediately.

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Chap. 429.

AN ACT to amend chapter twenty-six of the laws of eighteen hundred and eighty-five, entitled "An act to revise, amend and consolidate the several acts in relation to the city of Syracuse, and to revise and amend the charter of said city," as amended by chapter seven hundred and four of the laws of eighteen hundred and ninety-six, relating to the fire department, and to repeal section seven of chapter seven hundred and four of the laws of eighteen hundred and ninety-six, relating to the operation of pension fund.

Accepted by the city.

Became a law April 22, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one hundred and ninety-three of chapter twenty-six of the laws of eighteen hundred and eighty-five, as amended by section two, of chapter seven hundred and four of the laws of eighteen hundred and ninety-six, is hereby amended to read as follows:

§ 193. The salaries of the clerk, chief engineer, assistant engineer and superintendent of fire alarm telegraph, and all other persons employed by the fire department, shall be fixed by the board of fire commissioners subject to approval by a majority vote of the common council, and such salaries shall be considered a full and complete compensation for their services; and no deduction may be made from said salaries because of the temporary sickness or disability of any officer or member of said fire department, provided that such sickness or disability be shown to the board of fire commissioners by the department physician, either by certificates or otherwise. But if such sickness or disability be the result of bad, unlawful or immoral conduct on the part of such officer or member, such delinquent officer or member shall not be entitled to any salary, but shall be subject to such punishment by way of discipline as the board may deem proper. The said board of fire commissioners may, from time to time, require the certificate or affidavit of the department physician that such officers or members as may be excused from duty by reason of sickness or other disability are not able to perform their duties in the department; and it shall not be incumbent on said board of fire

City
charter
amended.

Salaries of
officers and
employees
of fire de-
partment.

No deduc-
tion for
temporary
sickness.

Physician's
certificate
may be
required.

Soliciting
money for
balls, etc.,
prohibited.

commissioners to recognize the certificate or opinion of any other physician. Members of this department, either as individuals or companies, are forbidden to solicit money from citizens for balls, assemblies or other purposes, or to solicit donations from persons whose property has been destroyed or endangered by fire.

Pension
fund, how
consti-
tuted.

§ 2. Section two hundred and three of said act, as amended by chapter seven hundred and four of the laws of eighteen hundred and ninety-six, is hereby amended to read as follows:

Rewards,
etc., for
extraordi-
nary ser-
vices.

4. All rewards, fees, gifts or emoluments that may be paid or given for extraordinary services rendered by any officer or member of said fire department, except when allowed to be retained by such officer or member by the board of fire commissioners, or given to endow a medal or other permanent competitive reward.

§ 3. Section two hundred and three of said act, which was amended by chapter seven hundred and four of the laws of eighteen hundred and ninety-six by the addition of a new section, to be known as section two hundred and three-b, containing subdivisions, is hereby amended to read as follows:

Pensions to
widows
and
children.

§ 203b. Subdivision 3. The widow, minor child, or children, or dependent parent or parents of any deceased officer or member of said fire department, who has served ten or more consecutive years therein and whose death occurs during his service in said fire department, or after he has retired on account of disability, or is discharged, as hereinbefore provided, by reason of his having become physically or mentally disqualified from performing his duty, may be allowed from said fund an allowance or pension; and the widow, minor child, or children, or dependent parent or parents of any officer or member of said department who has been killed in the actual performance of his duty, or who has died from injury caused by accident while in the performance of his duty, without reference to the length of time such officer or member has served in said fire department, may be allowed from said fund an allowance or pension; the amount of such pension shall be determined upon the following conditions, but it may be fixed from time to time by a majority vote of the board of trustees, at such sum, not exceeding the following maximum limit, as the condition of the fund may warrant, in the judgment of said board of trustees:

To widow

a. To the widow of such officer or member a sum not exceeding twenty-five dollars per month, but upon her death or remarriage such pension shall cease.

b. To the children of such officer or member under ^{To children.} the age of eighteen years, if there be no widow, or if the widow die, a sum not exceeding twenty-five dollars per month; but if there be both widow and children, each child may be allowed the sum of five dollars per month, if the state of the fund should warrant it in the judgment of said board of trustees. But all payments to any child shall cease when such child becomes eighteen years of age. The whole amount paid to the widow and minor child or children of any officer or member shall not exceed thirty-five dollars per month collectively; and the board of trustees shall have the right at any time, to cancel any pension that may be granted to the child or children of any widow who remarries, and such cancellation shall not be subject to review or reversal by any court. This provision shall apply only to the widow of such officer, member or pensioner, who was his wife at the time of his retirement under this act, or at the time of his death while in service, and to his children by her or by a prior wife.

c. To the dependent parent or parents of such officer or member ^{To dependent parents.} a sum not exceeding twenty-five dollars per month. No pension shall be paid to a dependent parent or parents in case the officer or member of said fire department so dying shall leave him surviving a widow or child or children. No more than one pension shall be paid in case both parents survive. And it shall not be obligatory on said board of trustees to grant or allow any pension or to charge the same to the pension fund, but they may in all cases exercise their discretion in the matter, except in the cases of firemen who shall have served in said fire department at least twenty years, and to such firemen pensions shall be granted pursuant to the provisions of this act.

§ 4. Section two hundred and three of said act, which was amended by chapter seven hundred and four of the laws of eighteen hundred and ninety-six, by the addition of a new section, to be known as section two hundred and three-b, containing subdivisions, the last one of which was numbered eight, is hereby amended by adding thereto a new subdivision numbered nine, and to read as follows:

Subdivision 9. If in their opinion the condition of the pension ^{Revocation of pension.} fund shall render such action advisable, the trustees of said pension fund may, at any time, by a majority vote, revoke a part or

the whole of any pension heretofore granted, or which may be granted hereafter to any person or persons by reason of the death of any officer or member of said fire department whose death occurred prior to the first day of October, eighteen hundred and ninety-five, and such revocation shall not be subject to review or reversal by any court.

§ 5. Section two hundred and three of said act, which was amended by chapter seven hundred and four of the laws of eighteen hundred and ninety-six, by the addition of a new section, to be known as section two hundred and three-b, containing subdivisions, is hereby amended to read as follows:

Payments,
to whom
made.

6. Pensions as provided in subdivisions two and three of this section may be paid to officers and members of this department who have been discharged or retired as therein provided, and to the widow, minor child, or children, or dependent parent, or parents, of any officer or member who has been killed in the discharge of his duty, or who has died of injury caused by accident while on duty, or who died from any cause after ten or more years of consecutive service prior to the passage of this act. But no back pension shall be either allowed or paid.

Annual
report of
board.

8. The board of trustees shall make a report of the condition of said pension fund to the common council in the month of January in each and every year, in which report there shall be clearly set forth a complete itemized statement of all receipts and disbursements, giving the name of each and every person, corporation or association from whom any money has been received on account of said fund together with the total amount thereof.

Treasurer
to furnish
list of de-
linquent
insurance
companies.

And it shall be the duty of the treasurer of said board of trustees, within sixty days after the first day of February in each and every year, to furnish the corporation counsel of the city of Syracuse a complete list of all insurance companies, or their agents, who shall not then have paid to said treasurer the whole of the two per centum tax on foreign insurance as prescribed by law; whereupon the said corporation counsel shall forthwith institute whatever legal proceedings may be necessary to compel such delinquent companies, or their agents, to make proper payment to said treasurer of such overdue tax.

Proceed-
ings to
compel
payment of
tax.

Repeal.

§ 6. Section seven of chapter seven hundred and four of the laws of eighteen hundred and ninety-six, is hereby repealed.

§ 7. This act shall take effect immediately.

Chap. 430.

AN ACT to amend section eight of chapter one hundred and thirty-seven of the laws of eighteen hundred and forty-two, entitled "An act in relation to common schools in the city of Utica," as amended by chapter two hundred and forty-three of the laws of eighteen hundred and seventy-seven, by chapter fifteen of the laws of eighteen hundred and eighty-nine, and by chapter ten hundred and thirty-two of the laws of eighteen hundred and ninety-five, in relation to moneys to be raised for fuel and contingent expenses.

Accepted by the city.

Became a law April 22, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision four of section eight of chapter one hundred and thirty-seven of the laws of eighteen hundred and forty-two, entitled "An act in relation to common schools in the city of Utica," as amended by chapter two hundred and forty-three of the laws of eighteen hundred and seventy-seven, and as further amended by chapter fifteen of the laws of eighteen hundred and eighty-nine, and as further amended by chapter ten hundred and thirty-two of the laws of eighteen hundred and ninety-five, is hereby further amended so as to read as follows:

School act
amended.

4. To procure fuel and defray contingent expenses of the common schools which shall be in addition to the amount of school moneys now or hereafter appropriated or provided by law to be raised for common schools in said city, provided nevertheless, that such tax shall be levied but once in each year and that the whole amount to be raised shall not in any one year exceed the sum of fifty thousand dollars.

Tax for
fuel and
contingent
expenses.

§ 2. This act shall take effect immediately.

Chap. 431.

AN ACT to amend chapter sixty-six of the laws of eighteen hundred and fifty, entitled "An act in relation to common schools in the city of Utica," as amended by chapter one hundred and fifteen of the laws of eighteen hundred and sixty-seven, and by chapter two hundred and forty-three of the laws of eighteen hundred and eighty-seven, and by chapter nine hundred and ninety-eight of the laws of eighteen hundred and ninety-five, in relation to moneys to be raised for teachers' wages.

Accepted by the city.

Became a law April 22, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

School act
amended.

Section 1. Section one of chapter sixty-six of the laws of eighteen hundred and fifty, entitled "An act in relation to common schools in the city of Utica," as amended by chapter one hundred and fifteen of the laws of eighteen hundred and sixty-seven, and by chapter two hundred and forty-three of the laws of eighteen hundred and eighty-seven, and by chapter nine hundred and ninety-eight of the laws of eighteen hundred and ninety-five, is hereby further amended so as to read as follows:

Annual
estimate of
expenses.

§ 1. The board of school commissioners of the city of Utica shall annually prepare an estimate of the amount of money necessary to be raised in said city, for the then ensuing year, for the payment of teachers' wages (exclusive of the money now required, or which may hereafter be required by law to be appropriated and apportioned from the state school money for the use of common schools in said city) and present the same to the common council of said city, and said common council shall cause the same to be levied and collected in the said city in the same manner as other city taxes are levied and collected; but the sum to be raised by virtue of this section shall not in any year exceed three and one-half times the sum appropriated and apportioned to the city for the last preceding year by virtue of the law in reference to common schools.

Tax for
amount.

Limitation.

§ 2. This act shall take effect immediately.

Chap. 432.

AN ACT to amend section nine hundred and thirty-seven of chapter three hundred and seventy-eight of the laws of eighteen hundred and ninety-seven, entitled "An act to unite into one municipality, under the corporate name of The City of New York, the various communities lying in and about New York harbor, including the city and county of New York, the city of Brooklyn and the county of Kings, the county of Richmond and part of the county of Queens, and to provide for the government thereof," relating to unpaid taxes and assessments.

Accepted by the city.

Became a law April 22, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section nine hundred and thirty-seven of chapter three hundred and seventy-eight of the laws of eighteen hundred and ninety-seven, entitled "An act to unite into one municipality, under the corporate name of The City of New York, the various communities lying in and about New York harbor, including the city and county of New York, the city of Brooklyn and the county of Kings, the county of Richmond and part of the county of Queens, and to provide for the government thereof," is hereby amended so as to read as follows:

§ 937. All taxes and assessments levied before the first day of January, eighteen hundred and ninety-eight, by lawful authority, in any of the municipal and public corporations hereby consolidated, including the counties of Kings and of Richmond, and that part of the county of Queens included within The City of New York, as hereby constituted, and which shall remain due and unpaid on said first day of January, eighteen hundred and ninety-eight, shall become and be due and payable to and collectible by said city, and all tax and assessment lists in the possession of any officer, or of any of said municipal and public corporations and counties on the thirty-first day of December, eighteen hundred and ninety-seven, shall be transmitted to and deposited with the comptroller on or immediately after the first day of January, eighteen hundred and ninety-eight, and the comptroller shall thereupon transmit the same to the collector of assessments

Charter amended.

Unpaid taxes and assessments.

Transmission of lists to comptroller.

Collection by suit.

Certain
taxes to be
collected
by treas-
urer of
Queens
county.

and arrears, for collection by suit, or under and pursuant to the laws in force when the said taxes were levied or in force when this act takes effect, except that all taxes and assessments levied before the first day of January, eighteen hundred and ninety-eight, by Queens county for state, county and town purposes, and not including village taxes and assessments, within the territory known as the Fifth ward of the borough of Queens, in The City of New York, being that portion of the territory annexed to The City of New York lying within what was formerly the town of Hempstead, in Queens county, and which said taxes and assessments shall have remained due and unpaid, and become arrears of taxes as provided by law relating to Queens county, prior to January first, eighteen hundred and ninety-eight, shall become and be due and payable to and collectible by the treasurer of the county of Queens, and the said treasurer of the county of Queens shall thereupon proceed to collect the same in the same manner as arrears of taxes and assessments were collected prior to the first day of January, eighteen hundred and ninety-eight, and after having received and collected the said unpaid arrears of taxes and assessments, the said county treasurer shall forthwith proceed to apportion the same and to pay to the comptroller of The City of New York all of that portion of the said arrears of taxes and assessments due to that portion of the said city lying within said territory.

Apportion-
ment and
payment
over of col-
lections.

§ 2. This act shall take effect immediately.

Chap. 433.

AN ACT to amend chapter four hundred and forty-one of the laws of eighteen hundred and ninety-two, entitled "An act to authorize the city of Brooklyn to establish and maintain a public library and reading-room in said city, and to provide for the payment therefor and for the maintenance thereof," and the act amendatory thereof, relative to the number of directors thereof.

Accepted by the city.

Became a law April 22, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Act
amended.

Section 1. Section four of chapter four hundred and forty-one of the laws of eighteen hundred and ninety-two, as amended by

chapter four hundred and ninety-seven of the laws of eighteen hundred and ninety-seven, is hereby amended to read as follows:

§ 4. Whenever the common council by its resolution shall have determined to establish and maintain a public library and reading-room under this act, the mayor of the said city shall appoint a board of twenty-one directors for the same, and in addition to the number so appointed, the mayor and comptroller of the city of New York, the president of the council, the president of the said board of aldermen, the president of the borough of Brooklyn, the president of the board of education and the directors of the Brooklyn Institute of Arts and Sciences shall by virtue of their respective offices be directors of the said public library and reading room.

Board of
directors.

Ex officio
members.

§ 2. This act shall take effect immediately.

Chap. 434.

AN ACT to amend chapter six hundred and sixty-seven of the laws of eighteen hundred and sixty-eight, entitled, "An act to enable Conrad Poppenhusen to found an institution in the village of College Point," and to repeal section six thereof.

Accepted by the city.

Became a law April 22, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section four of chapter six hundred and sixty-seven of the laws of eighteen hundred and sixty-eight, entitled "An act to enable Conrad Poppenhusen to found an institution in the village of College Point," is hereby amended so as to read as follows:

Act
amended.

§ 4. The affairs of said association shall be conducted by a board of control consisting of eight members, to be designated by the numbers one, two, three, four, five, six, seven and eight respectively, and to be constituted as follows, viz.: The member of the said board designated as number one, shall be the eldest male descendant of Conrad Poppenhusen, of full age, residing in the state of New York, and in case of his death or resignation, then the next eldest male descendant of the said Conrad Poppenhusen of full age, residing in said state. The members designated as numbers

Board of
control.

two and three, shall be residents of such portion of The City of New York as formerly comprised the village of College Point. Said member number two shall be appointed by the president of the school board of the borough of Queens, in The City of New York, and shall hold office for the term of three years, and until his successor be chosen. Said member number three shall be appointed by the alderman representing that district of The City of New York in which the territory formerly composing the village of College Point is situate, and shall hold office for the term of two years, and until his successor be chosen. The member designated as number four shall be some suitable and proper person residing in that portion of the borough of Queens, in The City of New York, which formerly comprised the town of Flushing, and shall be appointed by a justice of the supreme court in and for the second judicial department. The members of said board designated by the numbers five, six, seven and eight shall be elected and appointed by the eldest male descendant of Conrad Poppenhusen, of lawful age, residing in the state of New York, and acting as the member number one of the said board as aforesaid.

Repeal.

§ 2. Section six of said act is hereby repealed.

§ 3. Section fourteen of said act is hereby amended so as to read as follows:

By-laws.

The members of the board of control constituted as aforesaid, or a majority of them, shall establish by-laws for the guidance and government of said association in accordance with the term of this act and the conditions of said act of conveyance, and said by-laws when adopted shall not afterwards be altered or amended unless such proposed alteration or amendment be first submitted to and approved by one of the justices of the supreme court in and for the second judicial department.

§ 4. Section sixteen of said act is hereby amended so as to read as follows:

Annual reports.

The said board of control shall annually, in the month of January, transmit to the school board of the borough of Queens a full report of all its receipts and disbursements during the preceding year, and of the progress and condition of the institution, and shall also transmit a duplicate copy of the said report to the legislature, and shall at all times furnish any further information in respect to their funds, revenues and course of instruction which the legislature or the regents of the university may require.

§ 5. This act shall take effect immediately.

Chap. 435.

AN ACT to amend chapter two hundred and twenty-three of the laws of eighteen hundred and eighty-five, entitled "An act for the relief of William L. Cole, Thomas F. Meehan and J. M. Meehan.

Accepted by the city.

Became a law April 22, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one of chapter two hundred and twenty-three of the laws of eighteen hundred and eighty-five, entitled "An act for the relief of William L. Cole, Thomas F. Meehan, and J. M. Meehan," is hereby amended to read as follows: Act amended.

§ 1. The comptroller of The City of New York is hereby authorized to examine, upon notice to the corporation counsel, the claims remaining against the city, of William L. Cole, Thomas F. Meehan and J. M. Meehan, known as the firm of Lynch, Cole and Meehan, for advertising certain notices and proceedings in the Irish American, a weekly newspaper published in The City of New York, and designated by the corporation of said city to publish said notices and proceedings, and to fix and determine what amount, if any, is justly due for said advertising. Examination of claim.

§ 2. Section two of chapter two hundred and twenty-three of the laws of eighteen hundred and eighty-five, entitled "An act for the relief of William L. Cole, Thomas F. Meehan and J. M. Meehan," is hereby amended to read as follows:

§ 2. The corporation of The City of New York is hereby authorized to pay the amount fixed and determined pursuant to section one of this act, and to draw his warrant as comptroller for the same out of any unexpended balance remaining in the city treasury for payment of claims or judgments upon receiving a release of the claim against the city. Payment of amount fixed.

§ 3. This act shall take effect immediately.

Chap. 436.

AN ACT for the relief of the English Lutheran Church of the city of Mount Vernon, New York, a religious corporation.

Accepted by the city.

Became a law April 22, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Released
from
assess-
ments.

Section 1. The real estate of the English Lutheran Church of the city of Mount Vernon, New York, situate in said city and held and owned solely for church purposes, is hereby released and discharged from any and all assessments for public improvements heretofore levied and assessed thereon and now unpaid.

§ 2. This act shall take effect immediately.

Chap. 437.

AN ACT to amend chapter seventy-four of the laws of eighteen hundred and seventy-seven, entitled "An act to incorporate the Grand Lodge of the Ancient Order of United Workmen of the State of New York."

Became a law April 22, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Charter
amended.

Section 1. Section four of chapter seventy-four of the laws of eighteen hundred and seventy-seven, entitled "An act to incorporate the Grand Lodge of the Ancient Order of United Workmen of the state of New York," is hereby amended so as to read as follows:

Beneficiary
fund.

§ 4. Such beneficiary fund as may be ordained suitable by said corporation may be set apart and provided to be paid to such payee or payees as a deceased member may, while living, have directed, strictly pursuant to the laws of said corporation, and the collecting, management and disbursement of the same, as well as the payee or payees, and the manner and time in which the same shall be paid on the death of a member,

Regulated
and con-
trolled by
laws, rules,
etc.

shall, in every particular, be regulated and controlled only by the laws, rules and regulations of said corporation as the same exist and are in force at the time of the death of any member of said corporation, with full power in and by said corporation to alter, amend, change and enact from time to time, any and all laws, rules and regulations with reference to the collecting, management and disbursement of said beneficiary fund and the payee or payees to be named by any member of said corporation, without any notice thereof in any particular to any of the members of said corporation; and such laws, rules and regulations when so altered, amended, changed or enacted, and in existence and in force at the time of the death of any member of said corporation shall govern and control said corporation and its officers, subordinate lodges and members thereof in his or their relations thereto, in all their or his acts and rights; and such beneficiary fund so provided and paid shall be exempt from execution, and shall not be liable to be seized, taken or appropriated by any legal or equitable process to pay any debt or liability of a member, beneficiary or beneficiaries, payee or payees of a member. And the provisions of this section shall, in each and every particular, apply to, govern and control each and every beneficiary certificate heretofore written or issued, as well as every beneficiary certificate hereafter written or issued by said corporation.

Amendment of laws, rules, etc.

Exempt from execution, etc.

Provisions applicable to certificates.

§ 2. Section five of said act is hereby amended so as to read as follows:

§ 5. The said corporation shall have power to make, alter and amend from time to time, such by-laws, laws, rules, and regulations as it shall judge proper for the election of officers, or prescribing their functions and the mode of discharging the same; for the admission of new members into subordinate lodges, and the government and regulation of such subordinate lodges; for regulating and fixing the amount and time of payment of all fees, dues and funds of said corporation and the subordinate lodges under its jurisdiction; for the arrangement of all the affairs of said corporation and for suspending, fining and expelling all such officers or members of subordinate lodges under its jurisdiction who shall neglect or refuse to comply with any such by-laws, laws, rules and regulations, and such by-laws, laws, rules and regulations as the same may be so made, altered or amended, and as they exist and are in force by reason thereof at the time of the death of any member thereof shall be taken to

By-laws and rules.

Construction of act

and shall be the law governing said corporation and its officers, subordinate lodges and members in all their or his relations to said corporation in all their or his acts. This act shall be deemed a public act and shall be so construed in all courts and places as to fully effectuate the objects thereof as defined in and by all the laws, rules and regulations of said corporation when made, altered or amended, up to the time when any construction thereof may be required or be necessary.

§ 3. This act shall take effect immediately.

Chap. 438.

AN ACT to extend the time for the completion of the Hudson tunnel railway.

Became a law April 22, 1898, with the approval of the Governor.
Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The Hudson Tunnel Railway Company, a corporation duly organized, consolidated and working under and by virtue of the laws of the state of New York and the state of New Jersey respectively, is hereby allowed four years from the passage of this act in which to complete its tunnel and railway.

§ 2. This act shall take effect immediately.

Chap. 439.

AN ACT to incorporate "The Newtown and Flushing Canal Company."

Became a law April 22, 1898, with the approval of the Governor.
Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Corporators.

Section 1. Jacob Beetam, Hugh J. Reilly and Joseph Bermel, Dennis Sullivan, John C. Robbins, William A. Hengstonberg, John W. Howarth, Charles Hendrickson, John Flynn and Calvin McKnight, and their successors and assigns, and such other persons as may acquire stock in the company hereby incorporated,

are hereby created and constituted a body politic under the corporate name of "The Newtown and Flushing Canal Company," and by that name shall have perpetual succession, and shall have all the powers and be subject to all the duties and liabilities imposed by the general corporation law, and the stock corporation law, not inconsistent with this act, for the purpose of constructing, cutting, maintaining and operating a canal, with all the necessary or proper basins, docks, wharves, piers, bulkheads or other works or appendages connected therewith, commencing at a point in Newtown creek, or English Kills, in the borough of Queens, New York city, north of the Grand street draw-bridge; thence easterly, northeasterly or southeasterly, as far as practicable, along and following the line of any existing or former line of natural water course to Flushing creek, at a point south of Flushing bay, subject to the modifications as provided herein.

Corporate
name and
powers.

§ 2. The company hereby created shall not charge any toll for any ship, vessel or canal boat, steamers, sloops, boats or vessels or craft of any kind for navigating any portion of the canal to be cut, built or constructed under this act.

No toll to
be charged.

§ 3. The canal when completed and open for navigation, shall be deemed a public highway for the purposes of navigation.

Public
highway.

§ 4. The capital stock of said company shall be one hundred thousand dollars, and be divided into shares of one hundred dollars each; such capital stock, when so fixed, may be increased or diminished in the manner provided by the stock corporation law. Books of subscription therefor shall be opened under the direction of the directors, subject to such regulations as they may prescribe, and no subscription shall be received unless the subscriber shall, at the time of subscribing, pay to the directors ten per centum on the amount of stock subscribed by such subscribers.

Capital
stock.

§ 5. The persons named in the first section of this act, and their successors in office, shall constitute the first board of directors of such corporation, and shall hold office until the first Monday of June, eighteen hundred and ninety-nine, and until their successors are elected and enter upon the duties of the office.

Directors.

§ 6. The directors shall appoint one of their number president; they may also appoint a secretary and treasurer and such other officers and agents as may be prescribed by their by-laws.

Officers.

§ 7. The rights and liabilities of stockholders shall be governed by article three of the stock corporation law, except as herein other-

Rights,
etc., of
stockhold-
ers.

wise provided. And the issue and transfer of corporate stock shall be governed by said article and the by-laws of the company.

Powers of
company.

§ 8. In addition to the rights, liabilities and powers conferred on corporations by the general and stocks corporation laws, the said company shall have power:

Surveys.

1. To cause such examination and surveys for the line of said canal, basins and other works to be made as may be necessary to ascertain the most advantageous route and manner of constructing same and for that purpose by its officers and agents to enter upon the lands and waters of any person or corporation, but subject to responsibility for damages which shall be done thereon.

Acquisi-
tion of
property.

2. To purchase, acquire, hold and use in fee simple or otherwise all such real estate, water rights and other property as may be required and be necessary for the construction and maintenance of a canal and basins and other works or structures connected therewith; and in case the company formed under this act is unable to agree for the purchase of any real estate required for the purpose of this incorporation it shall have the right to acquire title to the same as prescribed in title one, chapter twenty-three, of the code of civil procedure, which title is known as the condemnation law.

Construc-
tion, etc.,
of canal.

3. To make, construct, cut and maintain a canal of suitable width, depth and dimensions, to be determined by the directors, but not less than one hundred feet water surface in width, nor less than ten feet in depth at low water, for the passage of vessels, boats and floats of all descriptions, whether propelled by steam, sails or other power, along the route or line described in section one of this act, subject to the modification therein provided, and also for the use, convenience, maintenance and protection of the said canal, or of the vessels navigating the same or the business connected therewith, to construct and maintain suitable embankments, basins, walls, decks, wharves, piers, offices and other necessary works, buildings and grounds connected therewith, but nothing herein shall be construed to grant any right of this state to land under water. And for the purpose of cuttings and embankments, lands for buildings and basins and necessary approaches to basins and wharves additional lands may be acquired by purchase or otherwise as herein specified, not exceeding twelve hundred feet in width along the entire route or line of the canal.

Basins,
wharves,
piers, etc.

Acquisi-
tion of
lands along
canal.

4. To deepen the channel of either of said creeks or waterways beyond the limit of the canal and within the limits of the navigation of said creeks or waterways, whenever in the opinion of three-fourths of the directors the interest of the company will be advanced thereby. Deepening of channel.

5. To construct its canal along any stream, water course, highway, plankroad, turnpike, or across any of the highways which the route of the canal may intersect or touch; and shall build steel or iron bridges to connect such intersecting highways for the use of pedestrians and vehicles of a type and style to permit of opening for the purposes of navigation and to be sufficiently strong to accommodate all ordinary travel. Which bridges shall be deemed parts of the public highways so intersected by the canal. May construct canal along highways, etc. Bridges.

6. From time to time borrow such sum of money as may be necessary for completing and furnishing the said canal and basins and other works hereby authorized and to issue and dispose of its bonds for any amount so borrowed and to mortgage its corporate property and franchises to secure the payment of any debt contracted by the company for the purposes as aforesaid, and the directors may confer upon the holder of any bond issued for money borrowed as aforesaid the right to convert the principal due or owing thereon into the stock of the said company at any time not exceeding ten years from the date of the bond, under such regulations as the directors may see fit to adopt. Borrowing money and mortgaging property.

§ 9. Before constructing any part of this canal or other work connected therewith the directors shall cause maps to be made of the route intended to be adopted by said company, which map shall be certified by the president and engineer of the company or of a majority of the directors, one of which shall be filed in each of the following offices: The state engineer's and surveyor's office and county clerk's office of Queens county. The company shall give written notice to all actual occupants of land over which the route of the canal and other works is so designated, and which has not been purchased by or given to the company of the route so designated, of the time and place such map and profile were filed, and that such route passes over the lands of such occupants. Any such occupant or the owner of such land feeling aggrieved by such proposed location, may, within fifteen days after receiving such notice, give eight days' written notice to the company that they will apply to a justice of the supreme Maps of route. Notice to occupants of land. Application for commission by owners and occupants.

court in the second department by petition duly verified for the appointment of a commission to examine the route, setting forth his objections to the route designated. The petition shall state the objections to the route designated, shall designate the route to which it is proposed to alter the same, and shall be accompanied with a survey, map and profile of the route designated by the company, and of the proposed alteration thereof, and copies thereof shall be served upon the company, owners and occupants with a notice of the application. The justice may upon the hearing of the application appoint three disinterested persons, one of whom must be a practical civil engineer, commissioners to examine the route proposed by the company and the route to which it is proposed to alter the same, and after hearing the parties, to affirm the route originally designated, or adopt the proposed alteration thereof, as may be consistent with the just rights of all parties and the public, including the owners or occupants of lands upon the proposed alterations, but no alteration of the route shall be made except by the concurrence of the commissioner who is a practical civil engineer, nor which will cause greater damage or injury to lands, or which will substantially change the general line or route adopted by the company. The commissioners shall within thirty days after their appointment make and certify their written determination, which, with the petition, maps, survey and profile and any testimony taken before them, shall be immediately filed in the office of the county clerk of the county of Queens. Within twenty days after such filing, any party may, by written notice to the other, appeal to the appellate division of the supreme court from the decision of the commissioners, which appeal shall be heard and decided at the next term to be held in the department in which the lands of the petitioners or any of them are situated, for which the same can be noticed, according to the rules and practice of the court. On the hearing of such appeal the court may affirm the route proposed by the company or may adopt that proposed by the petitioner. The commissioners shall be each entitled to six dollars per day, to be paid by the persons who applied for their appointment. If the route as proposed by the company is changed or altered by the commissioners or upon appeal by the court, the company shall refund to the petitioners the amount so paid.

Appoint-
ment of
com-
missioners.

Determina-
tion of
com-
missioners.

Appeal
from deci-
sion.

Pay of
com-
missioners.

§ 10. The directors of the company, by a two-thirds vote, at any time may alter or change the route or any part of the route of their canal or works hereby authorized, if it shall appear to them that the line may be improved thereby, but they shall make and file in the clerk's office of the county of Kings and Queens a survey, map and certificate of such alteration or change, and a duplicate in the office of the state engineer and surveyor, and shall have the same right and power to acquire title to any lands required for the purpose of the company in such altered or changed route as if it had been located there in the first instance. All provisions of this act relative to the first location and to acquiring title to lands shall apply to every such new or altered portion of the route.

Alteration
of route.

§ 11. The commissioners of the land office shall have power to grant to the company formed under this act any land belonging to the people of this state which may be required for the purposes authorized in this act, on such terms as may be agreed upon by them.

Granting
of state
land to
company.

§ 12. The company may sell or lease for valuable considerations any of the property acquired under authority of this act, not actually used for the purposes of the canal, for manufacturing, dwelling sites or other lawful purposes; and may exact rental for the use of wharves, basins and dockage or any other purpose to which the canal or land adjoining may be used. And this act is to be interpreted to mean that any lawful use of the waterway constructed under the authority herein contained shall be a use and power granted to the company incorporated by this act, except as herein otherwise provided.

Sale or
lease of
property.

Construc-
tion of act.

§ 13. If the said corporation shall not, within one year after this act shall take effect, begin the construction of said canal and work, and expend thereon ten per centum of its capital, or shall not finish the said canal so as to admit of the regular passage of vessels through the entire length thereof within five years after the time of this act taking effect, its corporate existence and powers shall cease.

Corporate
existence,
when may
cease.

§ 14. All real property required and the acquisition of which is herein authorized for the purpose of its incorporation, shall be deemed to be required for the public use.

Real prop-
erty ac-
quired for
public use.

§ 15. This act shall take effect immediately.

Chap. 440.

AN ACT to amend chapter thirty-three of the laws of eighteen hundred and ninety-six, entitled "An act to extend the time for the completion of the Rhinebeck and Rhinecliff Street Surface Railroad Company."

Became a law April 22, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Act
amended.

Section 1. Section one of chapter thirty-three of the laws of eighteen hundred and ninety-six is hereby amended to read as follows:

Time for
completion
of road ex-
tended.

§ 1. The time for the completion of the Rhinebeck and Rhinecliff street surface railroad, the company to construct which was organized under an act, chapter five hundred and sixty-five of the laws of eighteen hundred and ninety, entitled "the railroad law," and the several acts amendatory thereof and supplemental thereto, is hereby extended to the first day of June, nineteen hundred and three.

§ 2. This act shall take effect immediately.

Chap. 441.

AN ACT to amend chapter one hundred and twenty-six of the laws of eighteen hundred and twenty-four, entitled "An act to incorporate the Society for the Reformation of Juvenile Delinquents in the city of New York."

Became a law April 22, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Charter
amended.

Section 1. Section two of chapter one hundred and twenty-six of the laws of eighteen hundred and twenty-four, entitled "An act to incorporate the Society for the Reformation of Juvenile Delinquents in the city of New York" is hereby amended so as to read as follows:

Managers
of corpora-
tion.

§ 2. And be it further enacted, that the estate and concerns of the said corporation shall be conducted by a board of thirty-three managers, of which board, the governor, comptroller and attorney-general shall be ex-officio members, the other thirty

managers to be elected by a plurality of ballots of the members resident in The City of New York (being subscribers as aforesaid), and present at such election, yearly on the third Monday in November, at such place in the said city, and at such time of the day, as the board of managers may, from time to time appoint, and of which public notice shall be given; and if any vacancy shall occur by the resignation, removal or otherwise, of any one of the said board, the same shall be filled for the remainder of the year by such person or persons, being subscribers as aforesaid, as the board for the time being, or a major part of them, shall appoint; and it is hereby further enacted, that no manager of the said society shall receive any compensation for his services. Vacancies.
No compensation.

§ 2. Section seven of said act is hereby amended so as to read as follows:

§ 7. And be it further enacted, that this act shall be and is hereby declared a public act, and that the same shall be construed in all courts and places, benignly and favorably, for every humane and laudable purpose therein contained. None of the lands or premises heretofore or hereafter conveyed to the managers of said society, for the purpose of the society, shall cease to be used for the purposes for which said society was incorporated, and none of the real estate held, owned, occupied or used by said society shall be abandoned, alienated, conveyed or cease to be used for the purposes of the society without the unanimous consent, in writing, of the ex-officio members of the board of managers. Construction of act.
Real estate not to be abandoned, etc., without consent.

§ 3. This act shall take effect immediately.

Chap. 442.

AN ACT releasing certain real estate of the "Union Methodist Episcopal Church," in The City of New York, from the taxes for the year eighteen hundred and ninety-four.

Accepted by the city.

Became a law April 22, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The building erected for public worship upon and the real estate of the "Union Methodist Episcopal Church," sit- Real estate released from taxes.

uate on the north side of West Forty-eighth street, between Broadway and Eighth avenue, in the Twenty-second ward of The City of New York, and known as lots numbered ten and one-half, eleven, twelve and thirteen, in block numbered forty-nine, are hereby released and discharged of and from the taxes levied and assessed thereon for the year eighteen hundred and ninety-four.

§ 2. This act shall take effect immediately.

Chap. 443.

AN ACT for the relief of the Young Men's Christian Association of Mount Vernon, New York, a religious, charitable and benevolent corporation.

Accepted by the city.

Became a law April 22, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Real estate
released
from taxes.

Section 1. The real estate of the Young Men's Christian Association of Mount Vernon, New York, situate in the city of Mount Vernon, New York, is hereby released and discharged from any and all taxes and assessments levied and assessed thereon prior to and including the year eighteen hundred and ninety-four, and now unpaid.

§ 2. This act shall take effect immediately.

Chap. 444.

AN ACT to authorize the comptroller of this state to hear and determine the application of the owners of certain lands in Kings county for cancellation of a tax sale and allowing redemption from subsequent tax sales upon paying the amount charged against the same.

Became a law April 22, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Jurisdic-
tion to hear
applica-
tion.

Section 1. Jurisdiction is hereby conferred upon the comptroller of the state to hear and determine the application of the

owner of or any person having an interest in, lands sold to the people of the state of New York, for nonpayment of assessments made under the act chapter five hundred and thirty-one of the laws of eighteen hundred and seventy-three as amended by chapter two hundred and sixty-four of the laws of eighteen hundred and seventy-four, for opening and construction of Gravesend avenue, in the county of Kings, and the comptroller is hereby authorized to cancel and clear the records in his office of all such assessments or sales, with the same effect as if the application had been made by a purchaser at the tax sale.

Authority
to cancel
tax sale.

§ 2. The owner or any other person having an interest in any lands sold for assessments cancelled as aforesaid, may, at any time within two years from the passage of this act, redeem the same from any and all sales for taxes made subsequent to said sales aforesaid, upon paying to the comptroller of the state of New York, the amount charged against the same.

Redemption
of land.

§ 3. This act shall take effect immediately.

Chap. 445.

AN ACT to make the office of the sheriff of Steuben county a salaried one, in part, and to regulate the management thereof.

Became a law April 22, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Each sheriff of the county of Steuben, hereafter elected or appointed, shall receive as compensation for his services, enumerated in section four of this act, an annual salary of twenty-five hundred dollars, to be paid monthly by the county treasurer. Said sheriff shall be permitted to occupy free of rent or charge, that part of the jail building together with all outbuildings erected for the sheriff's residence in Bath, in said county.

Annual
salary of
sheriff.

Occupation
of resi-
dence.

§ 2. Each sheriff shall within ten days after he shall receive notice of his election, and before he shall enter upon the discharge of the duties of his office, execute to the people of this state a joint and several bond in the penal sum of fifteen thousand dollars, with two or more sufficient sureties, who shall be freeholders; the condition of which bond shall be in the form and to the effect following, to wit:

Sheriff's
bond.

Whereas, the above bounden.....was elected to the office of sheriff of the county of Steuben at the general election therein (or at a special election held therein) on theday of....., 18....; now, therefore, the condition of the above obligation is such, that if the saidshall well and faithfully in all things perform and execute the office of sheriff of the said county of Steuben, during his term in the said office, by virtue of said election, without fraud, deceit or oppression, and shall pay over to the treasurer of said county all moneys which shall come into his hands as provided in the act entitled "An act to make the office of sheriff of Steuben county a salaried office in part, and to regulate the management thereof," and acts amendatory thereof and supplementary thereto, then the above obligation to be void, otherwise to remain in full force.

Approval
of bond.

Before the said sheriff shall be deemed qualified to enter upon the discharge of the duties of his office, the said bond shall be approved as to its form and sureties, by a resolution of the board of supervisors of said county, and shall be presented for such approval at the next annual meeting of said board following the election of the said sheriff.

Duty of
sheriff.

§ 3. It shall be the duty of the said sheriff to perform all the services which he is or shall be required or authorized by law to perform by virtue of, or by reason of his holding such office.

Services to
be per-
formed
without
pay.

§ 4. The said salary so to be paid to the said sheriff shall constitute the whole compensation which shall be paid to or received by said sheriff for the services which he shall perform in his official capacity, in his attendance upon the courts of record held in the county of Steuben, and for all services performed by him for the United States of America, or the state of New York, or the county of Steuben, or chargeable thereto, or which he is or shall be required or authorized by law to perform therefor by virtue of his said office; and no compensation, payment or allowance shall be made in addition to said salary for his own use, for any of such services, except as hereafter allowed.

Fees, etc.,
to belong to
county.

§ 5. All fees or allowances of every kind whatsoever which said sheriff, his under sheriff, or deputies, shall be authorized or required to charge or receive for conveying prisoners to state institutions, and for all other services for the United States of America or the state of New York, for which fees are paid or allowances made, including all moneys which shall be paid for the board, custody or

care of United States prisoners, shall belong to the county of Steuben and it shall be the duty of the said officer to collect and receive for said county the full amount allowed by law for all such fees and allowances.

§ 6. Such sheriff shall keep in his office, in proper books, to be provided for that purpose by the board of supervisors, an exact and true account of all official services mentioned in the last section performed by him, for which he is entitled to receive fees or allowances, and the amount of money received by him on account thereof. Such books shall show when and for whom all of such services shall have been performed and the fees chargeable or allowances receivable therefor, and the amount of money actually received on account thereof. Such books shall, during office hours, be open to the inspection of any person.

Books and accounts.

§ 7. The sheriff shall, within five days after the expiration of each calendar month, transmit to the treasurer of the county of Steuben a statement of all services mentioned in the last section, as shall have been performed by him; of the amounts properly chargeable therefor, and the moneys received by him on account thereof. Such statement shall also contain an account of the moneys actually expended by the sheriff in the performance of said services, which account shall show the purpose for which such expenditure was made and the amount of each separate item so expended. Such statement shall be verified by the affidavit of the sheriff or the person receiving said money, or making said expenditure to the effect that the said statement is in all respects correct and true; that the said services were actually performed; that the moneys therein charged were actually received, and the expenses stated to have been made, were actually made for the purposes therein mentioned. The affidavit shall be positive and not upon information and belief. The said sheriff at the time of rendering the said account shall pay the sum of money so received by him, to the treasurer of the county of Steuben. The said sheriff, at the time of delivering to the said treasurer, the statement aforesaid, shall deliver two duplicates thereof to the clerk of the board of supervisors, together with the affidavit attached. Said clerk shall forthwith examine said statement and shall, within five days after having received the same, attach thereto his certificate, certifying what amounts thereof he finds correct and shall return the same so certified to the said sheriff. The duplicate so remaining in the hands of the said

Monthly statement to treasurer.

Verification.

Payment over of money.

Duplicate statements.

Examination and certification of statements

Payment to sheriff. clerk shall be filed in his office. Upon presentation of the said statement with the clerk's said certificate attached, the county treasurer shall pay to said sheriff the amount certified by said clerk to be correct. In case any portion of the account rendered by the said sheriff, in any month, is not allowed and certified by said clerk, the same may be presented by the sheriff, for audit, to the board of supervisors at their next meeting, and the amount allowed therefor shall be paid as other county charges.

Jail and supplies. § 8. The jail of the county shall be kept by the sheriff of the county, as now required by law. All furniture, implements, materials, food and supplies of whatever nature necessary for the custody and maintenance of the prisoners detained within the jail, shall be furnished by the county of Steuben. All such articles shall be purchased by the sheriff. He shall keep a correct and itemized account thereof in the books to be provided for that purpose by the board of supervisors of said county. Each item of said account shall specify the date at which it was expended, to whom it was paid, the place where paid, and for what, and the amount thereof; within five days after the end of each month the sheriff shall present to the clerk of the board of supervisors a written statement in detail of all his expenses for the above purposes for such month. Such statement shall contain a copy of the account kept in the sheriff's book, as above provided. Such statement shall be made in duplicate. To one of said duplicates there shall be attached vouchers for each of the payments therein stated to have been made, if said payment exceeds five dollars in amount. If any of such payments is less than five dollars, it may be proved by the affidavit of the person making such payment that the amount so charged was actually paid as therein charged; but the whole amount of payments so proved by affidavit, without vouchers, in any one month shall not exceed fifty dollars. Each of said statements shall be verified by the affidavit of the person making the payment, to the effect that the said payments were actually made for the purpose therein specified at the time and to the person therein mentioned. Such affidavit shall be positive and not upon information and belief. The clerk of the board of supervisors shall forthwith examine said statement, and shall within five days after having received the same attach to one of said statements his certificate certifying what amount thereof he finds correct and shall return to the

Itemized account.

Monthly statement of expense.

Examination and certification of statement.

said sheriff such statement with his certificate attached. The statement to which the vouchers are attached shall be filed by said clerk and kept in his office. Upon presentation of the statement to which the clerk's certificate is attached, the county treasurer shall pay to said sheriff the amount certified by said clerk to be correct. In case any portion of the account rendered by said sheriff in any month, is not allowed and certified by said clerk, the same may be presented by the sheriff for audit to the board of supervisors at their next meeting, and the amount allowed therefor shall be paid as other county charges.

Payment to
sheriff.

§ 9. The said sheriff shall also be allowed and entitled to receive the necessary and actual disbursements incurred by him in the discharge of the duties, designated in section four, or in performing any service for which the county received, or is entitled to receive, the fees therefor under this act, which said disbursements shall be audited and allowed by the board of supervisors as other claims against the county are audited and allowed.

Disburse-
ments by
sheriff.

§ 10. In addition to the salary specified in section one of this act, the sheriff of Steuben county, is authorized and entitled to charge and receive the fees now allowed by law to sheriffs in civil causes and proceedings, and for the services of the under-sheriff and deputy sheriffs, in such causes and proceedings.

Entitled to
certain
fees.

§ 11. The said sheriff may appoint an under-sheriff, a sheriff's clerk, a jailor, and such other attendants for the jail or prisoners as shall be prescribed by the board of supervisors of the said county from time to time. The said sheriff shall appoint such number of deputy sheriffs for said county as he shall deem necessary and may remove any of them at any time. The said sheriff shall be responsible for the official acts of the said under-sheriff, sheriff's clerk, deputy sheriffs, jailor and attendants. The board of supervisors shall, by resolution at the annual session of said board, fix the salary or compensation of the said under-sheriff, sheriff's clerk, jailor and other attendants for the jail or prisoners, which shall be paid monthly by the county treasurer. The deputy sheriffs aforesaid shall have and receive as their sole compensation for all services rendered by them for the county, the state of New York, and the United States, one-half of the fees now prescribed by law for like services. Each deputy thereof shall be reimbursed by the county for so much of his disbursements as such deputy sheriff, as are now a legal charge against the said county for like services, and shall present an itemized

Under
sheriff,
clerk,
jailer and
deputies.

Salaries.

Disburse-
ments of
deputies.

Payment
over of
moneys by
deputies.

bill therefor and for his services so rendered, verified as now required by law, to the board of supervisors at its annual meeting in each year and the said board shall audit and allow the same as now provided by law. He shall account for and pay over to the treasurer of Steuben county all fees, emoluments and moneys received by him for services rendered as such deputy sheriff in the discharge of the aforesaid duties.

Bonds of
under
sheriff and
deputies.

§ 12. The sheriff shall require bonds, subject to his approval, from his under-sheriff and deputies, to secure him for the faithful performance of the duties and accounting for all fees, perquisites and emoluments. All sums of money to be paid by and under the provisions of this act, shall be raised by taxation as the other county expenses are raised.

Proviso.

§ 13. Nothing in this act shall be so construed as to affect the present sheriff during his term of office.

§ 14. This act shall take effect immediately.

Chap. 446.

AN ACT to repeal chapter three hundred and fifty-five of the laws of eighteen hundred and seventy-seven, entitled "An act to authorize the sale of lands for the nonpayment of taxes and for the collection of unpaid taxes in the several towns of the county of Putnam," and to legalize and affirm certain acts of the town officials in the several towns of the county of Putnam, in relation to matters of taxation.

Became a law April 22, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Act
amended.

Section 1. Chapter three hundred and fifty-five of the laws of eighteen hundred and seventy-seven entitled "An act to authorize the sale of lands for the non-payment of taxes and for the collection of unpaid taxes in the several towns of the county of Putnam," is hereby repealed.

Acts of
town off-
icials legal-
ized.

§ 2. The acts of the town officials of the several towns of the county of Putnam in regard to the return of unpaid taxes, as provided in chapter three hundred and fifty-five of the laws of eighteen hundred and seventy-seven, whether performed in strict accordance therewith or not, are hereby legalized and affirmed.

§ 3. This act shall take effect immediately.

Chap. 447.

AN ACT to amend the fisheries, game and forest law, and the acts amendatory thereof.

Became a law April 22, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section two hundred and forty-four of chapter four hundred and eighty-eight of the laws of eighteen hundred and ninety-two, the title to which was amended by chapter three hundred and ninety-five of the laws of eighteen hundred and ninety-five, to read "An act relating to game, fish and wild animals and to the forest preserve and Adirondack park, constituting chapter thirty-one of the general laws, and to be known as the fisheries, game and forest law," as amended by chapter nine hundred and seventy-four of the laws of eighteen hundred and ninety-five, is hereby amended to read as follows:

§ 244. Jurisdiction of courts. Courts of special sessions and police courts in towns and villages and the several courts in cities having jurisdiction to try misdemeanors as provided by section fifty-six of the code of criminal procedure shall have in the first instance exclusive jurisdiction to try offenders in all cases occurring under the fisheries, game and forest law, being chapter thirty-one of the general laws, in the same manner as in other cases where they now have jurisdiction and to render and enforce judgment to the extent herein provided, and said courts shall have jurisdiction of all said offenses committed within the county where said courts are held, in the same manner as though the defendant had been taken before a magistrate of a town where the offense was committed.

§ 2. This act shall take effect immediately.

Chap. 448.

AN ACT to provide for the publication and distribution of the fisheries, game and forest laws.

Became a law April 22, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The clerks of the senate and assembly shall print and distribute all the fisheries, game and forest laws as amended to

close of session, in pamphlet form, and distribute them as follows: fifty copies to each senator, twenty-five copies to each member of the assembly, twenty-five copies to each protector and forester, and twenty-five hundred copies to the fisheries, game and forest commission.

§ 2. This act shall take effect immediately.

Chap. 449.

AN ACT to amend the fisheries, game and forest law, in relation to web-footed wild fowl in Kings, Queens and Suffolk counties.

Became a law April 22, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one hundred and sixty-two of chapter four hundred and eighty-eight of the laws of eighteen hundred and ninety-two, the title to which was amended by chapter three hundred and ninety-five of the laws of eighteen hundred and ninety-five, to read "An act relating to game, fish and wild animals, and to the forest preserve and Adirondack park, constituting chapter thirty-one of the general laws, and to be known as the fisheries, game and forest law," as amended by chapter nine hundred and seventy-four of the laws of eighteen hundred and ninety-five, and by chapter sixty-four of the laws of eighteen hundred and ninety-seven, is hereby amended to read as follows:

§ 162. Exception as to wild fowl. Except as herein provided, the use of floating devices in hunting web-footed wild fowl on Long island and waters adjacent thereto is prohibited. Floating devices may be used for the purpose of shooting web-footed wild fowl therefrom in Long Island sound, Great South bay west of Smith's point, Shinnecock and Peconic bays, and in any part of said counties said birds may be pursued and killed from boats propelled by hand, and from any sailboats in Long Island sound, Gardiner and Peconic bays. Whoever shall violate or attempt to violate the provisions of this section shall be deemed guilty of a misdemeanor, and in addition thereto shall be liable to a penalty of twenty-five dollars for each bird killed or possessed contrary to the provisions of this section.

§ 2. All acts and parts of acts inconsistent with this act are hereby repealed.

§ 3. This act shall take effect immediately.

Chap. 450.

AN ACT to amend the fisheries, game and forest law, relating to the taking of bass in the waters of the Salmon river and the Saint Regis river, situated in the towns of Fort Covington and Bombay, in Franklin county.

Became a law April 22, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Chapter four hundred and eighty-eight of the laws of eighteen hundred and ninety-two, the title to which was amended by chapter three hundred and ninety-five of the laws of eighteen hundred and ninety-five to read "An act relating to game, fish and wild animals and to the forest preserve, and Adirondack park, constituting chapter thirty-one of the general laws and to be known as the fisheries, game and forest law," is hereby amended by adding the following section to be known as section fifty-seven to read as follows:

§ 57. Black bass, Oswego bass, close season. Black bass, Oswego bass, shall not be fished for, caught, killed, or possessed from the waters of the Salmon river in the town of Fort Covington, Franklin county, between the Canada line and a dam on said river known as A. Wright, or the Fort Covington Milling company's dam, in the village of Fort Covington, or from the Saint Regis river, in the town of Bombay, Franklin county, between the Canada line and a dam in the village of Hogansburg, known, as the Mill's and Lantry dam, between the fifteenth day of November and the first day of May, both inclusive. Whoever shall violate or attempt to violate the provisions of this section shall be deemed guilty of misdemeanor, and in addition thereto shall be liable to a penalty of twenty-five dollars for each violation and ten dollars for each bass caught, or possessed contrary to the provisions of this section.

§ 2. All acts and parts of acts inconsistent with this act are hereby repealed.

§ 3. This act shall take effect immediately.

Chap. 451.

AN ACT to amend the fisheries, game and forest law, relative to paying bounties for the destruction of illegal devices for the taking of fish.

Became a law April 22, 1898, with the approval of the Governor.
Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Article two of chapter four hundred and eighty-eight of the laws of eighteen hundred and ninety-two, the title to which was amended by chapter three hundred and ninety-five of the laws of eighteen hundred and ninety-five, to read "An act relating to game, fish and wild animals and to the Forest preserve and Adirondack park, constituting chapter thirty-one of the general laws and to be known as the fisheries, game and forest law," as amended by chapter three hundred and ninety-five of the laws of eighteen hundred and ninety-five, is hereby amended by adding thereto another section to be known as section number thirty-four, and to read as follows:

§ 34. **Bounty for the destruction of illegal fish nets.** Fish nets of every kind, excepting those that are duly licensed according to the provisions of the fisheries, game and forest law, or legal minnow nets according to section one hundred and forty-five of said law, are hereby declared a public nuisance and when found in water inhabited by fish or on ice over such water, may be seized and removed by any person and taken before any justice of the peace, town clerk or town or ward supervisor in the county where seized and upon the affidavits of two persons that said net or nets are illegal or not licensed as provided for by law, and that they were taken from water or from ice as aforesaid specified, shall order said net or nets destroyed by the person seizing same, in his presence. Upon payment to him of a fee of fifty cents for each net, ordered destroyed, said justice of the peace, town clerk, or supervisor shall deliver to the person seizing and destroying a net or nets as herein provided, a certificate to the county treasurer that the person named therein has seized and destroyed according to law, a net or nets as the fact may be, and that he is entitled to a bounty on the same as follows: For each scap net, drop net, dip net, minnow net, gill net and seine net under one hundred feet

in length, three dollars; for each fyke net with hoops less than four feet in diameter and for each seine net and gill net over one hundred feet and under two hundred feet in length, five dollars; for each five foot trap net, for each fyke net with hoops over four feet in diameter, for each seine net and gill net over two hundred feet and under three hundred feet in length, seven dollars and fifty cents; for each trap net over five feet and for each seine and gill net over three hundred feet in length, ten dollars; and for each pound net, fifteen dollars. Before granting a certificate for bounty as herein specified, an examination of the net or nets shall be made by the justice of the peace, town clerk or supervisor from whom a certificate is requested, and in case it is found that they are rotten or worthless for fishing purposes, no certificate shall be granted and his decision as to the facts of such matter shall be final. The county treasurer to whom such certificate is directed shall pay the amount of bounty specified in said certificate to the person holding the same, out of the funds of the county, and on the presentation of said certificate to the comptroller of the state, he shall allow the amount thereof to the county by which it was paid in settlement of taxes due therefrom. The payment of any bounty under the provisions of this section shall be in lieu of any and all charges for expenses of the seizure, removal and destruction of such net or other illegal device otherwise payable under section thirty-three of this act. The provisions of this section shall not apply to nets set in the salt waters of the state.

§ 2. All acts or parts of acts so far as they are inconsistent with the provisions of this act are hereby repealed.

§ 3. This act shall take effect immediately.

Chap. 452.

AN ACT to amend the fisheries, game and forest law, relating to the close season for black bass in Crystal lake, town of Rensselaerville, Albany county.

Became a law April 22, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Chapter four hundred and eighty-eight of the law of eighteen hundred and ninety-two, the title to which was

amended by chapter three hundred and ninety-five of the laws of eighteen hundred and ninety-five, to read "An act relating to game, fish and wild animals and to the forest preserve and Adirondack park, constituting chapter thirty-one of the general laws, and to be known as the fisheries, game and forest law," as amended by chapter nine hundred and seventy-four of the laws of eighteen hundred and ninety-five, is hereby amended by adding the following section, to be known as section one hundred and fifty-seven to read as follows:

§ 157. Special provision as to Crystal lake in Albany county. Close season for black bass in Crystal lake, town of Rensselaerville, Albany county, New York.—Black bass shall not be fished for, caught, killed or possessed in Crystal lake, town of Rensselaerville, Albany county, New York, within two years from the fifteenth day of June, eighteen hundred and ninety-eight. Whoever shall violate or attempt to violate the provisions of this section shall be deemed guilty of misdemeanor, and in addition thereto shall be liable to a penalty of twenty-five dollars for each violation and ten dollars for each bass caught, killed or possessed in violation of this section.

§ 2. All acts or parts of acts inconsistent with this act are hereby repealed.

§ 3. This act shall take effect immediately.

Chap. 453.

AN ACT to amend the fisheries, game and forest law, and the acts amendatory thereof, relative to shellfish.

Became a law April 22, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one hundred and ninety-eight of chapter four hundred and eighty-eight of the laws of eighteen hundred and ninety-two, the title to which was amended by chapter three hundred and ninety-five of the laws of eighteen hundred and ninety-five, to read "An act relating to game, fish and wild animals, and to the forest preserve and Adirondack park, constituting chapter thirty-one of the general laws, and to be known as

the fisheries, game and forest law," as amended by chapter nine hundred and seventy-four of the laws of eighteen hundred and ninety-five, is hereby amended to read as follows:

§ 198. **Limitation of preceding section.** The preceding section does not limit the power of the commissioners of the land office that any grant of land under water made by such commissioners, where such land is actually occupied and in use for the cultivation of shellfish, shall be subject to the right of the occupant to occupy and use such grounds for a period not exceeding the unexpired term of his lease, nor longer than two years; nor does such section apply to or affect lands under water owned, controlled or claimed under colonial patents or legislative grants by any town or person in the counties of Suffolk, Queens, Kings or Richmond; lands under the waters of Gardiner's and Peconic bays ceded by the state to the county of Suffolk pursuant to chapter three hundred and eighty-five of the laws of eighteen hundred and eighty-four or lands under water in Westchester county. Nothing in this act contained shall be construed as invalidating any leases or franchises of land under water, issued or granted by the commissioners of fisheries of this state subsequent to the first day of January, eighteen hundred and ninety-three; and all such leases and franchises made subsequent to the first day of January, eighteen hundred and ninety-three are hereby declared to be valid, and the lessees holding under and by virtue thereof are hereby confirmed in their leases and franchises; nor shall this act apply to any lands under water, which, at the time of the passage of this act, are advertised to be leased at public auction, for the purpose of shellfish cultivation, by said commissioners.

§ 2. All acts or parts of acts, so far as they are inconsistent with the provisions of this act, are hereby repealed.

§ 3. This act shall take effect immediately.

Chap. 454.

AN ACT to amend the fisheries, game and forest law, in regard to the length of land-locked salmon and lake trout that may be caught or had in possession.

Became a law April 22, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one hundred and six and section one hundred and fourteen of chapter four hundred and eighty-eight of the laws of eighteen hundred and ninety-two, the title of which was amended by chapter three hundred and ninety-five, of the laws of eighteen hundred and ninety-five to read "An act relating to game, fish and wild animals and the forest preserve and Adirondack park, constituting chapter thirty-one of the general laws, and to be known as the fisheries, game and forest law," as amended by chapter nine hundred and seventy-four of the laws of eighteen hundred and ninety-five, are hereby amended to read as follows:

§ 106. Trout of any kind less than six inches in length, shall not be intentionally taken or possessed, and in case any such fish is caught or taken, the person taking it shall immediately place such fish back in the waters from which it was taken, without unnecessary injury. Whoever shall violate or attempt to violate the provisions of this section shall be deemed guilty of misdemeanor and in addition thereto shall be liable to a penalty of ten dollars for each fish so taken or possessed.

§ 114. No salmon, land-locked salmon or lake trout less than fifteen inches in length shall be intentionally taken alive from any of the waters of this state, nor possessed, and in case any such fish is caught or taken, the person taking it shall immediately place such fish back in the waters from which it was taken without unnecessary injury. Whoever shall violate or attempt to violate the provisions of this section shall be deemed guilty of a misdemeanor and in addition thereto shall be liable to a penalty of twenty-five dollars for each violation and ten dollars for each fish so taken, killed or possessed.

§ 2. All acts and parts of acts inconsistent with this act are hereby repealed.

§ 3. This act shall take effect immediately.

Chap. 455.

AN ACT to amend the fisheries, game and forest law and the acts amendatory thereof, in relation to fishing with nets and spears in Seneca lake.

Became a law April 22, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one hundred and fifty-four of chapter four hundred and eighty-eight of the laws of eighteen hundred and ninety-two, the title to which was amended by chapter three hundred and ninety-five of the laws of eighteen hundred and ninety-five to read "An act relating to game, fish and wild animals, and the forest preserve and Adirondack park, constituting chapter thirty-one of the general laws, and to be known as the fisheries, game and forest law," as amended by chapter nine hundred and seventy-four of the laws of eighteen hundred and ninety-five and by chapter six hundred and sixty of the laws of eighteen hundred and ninety-six, is hereby amended to read as follows:

§ 154. Fishing in Seneca lake. It shall be lawful to fish in waters of Seneca lake with nets or seines, the meshes of which shall not be less than a two-inch bar, from the fifteenth day of April to the fifteenth day of August both inclusive. It shall also be lawful to fish with spears in the waters of Seneca lake for all fish, except black bass, from the fifteenth day of April to the fifteenth day of June, both inclusive. Whoever shall violate or attempt to violate the provisions of this section shall be deemed guilty of a misdemeanor and in addition thereto shall be liable to a penalty of fifty dollars for each violation thereof.

§ 2. This act shall take effect immediately.

Chap. 456.

AN ACT to amend the fisheries, game and forest law, and the act amendatory thereof, in relation to fishing through the ice in certain lakes.

Became a law April 22, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one hundred and forty-two of chapter four hundred and eighty-eight of the laws of eighteen hundred and

ninety-two, the title to which was amended by chapter three hundred and ninety-five of the laws of eighteen hundred and ninety-five to read "An act relating to game, fish and wild animals and to the Forest preserve and Adirondack park, constituting chapter thirty-one of the general laws, and to be known as the fisheries, game and forest law," which said section was added thereto by chapter one hundred and eighty-two of the laws of eighteen hundred and ninety-seven, is hereby amended to read as follows:

§ 142. Fishing through ice in certain lakes; set lines in Canandaigua lake. No fish shall be fished for, caught or killed in any manner or by any device except angling in the waters of Canandaigua lake, except as herein provided. It shall be lawful to fish with set lines, no line to exceed six hundred feet in length, one end thereof to be attached at the shore, in the waters of Canandaigua lake, no person to own or operate more than two lines. Pickerel, pike, perch and bullheads may be fished for through the ice with hooks and lines, tip-ups or bobs in Honeoye lake, Canadice lake, Conesus lake, and Loon lake in Steuben county. Whoever shall violate or attempt to violate the provisions of this section shall be deemed guilty of a misdemeanor and in addition thereto shall be liable to a penalty of one hundred dollars for each violation thereof.

§ 2. This act shall take effect immediately.

Chap. 457.

AN ACT to amend the fisheries, game and forest law, relating to the taking of web-footed wild fowl in Kings, Queens and Suffolk counties and in Long Island sound

Became a law April 22, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one hundred and sixty-one in article seven of chapter four hundred and eighty-eight of the laws of eighteen hundred and ninety-two, the title to which was amended by chapter three hundred and ninety-five of the laws of eighteen hundred and ninety-five, to read "An act relating to game, fish and wild animals and to the forest preserve and Adirondack park, constituting chapter thirty-one of the general laws and to be known as the

fisheries, game and forest law," as amended by chapter nine hundred and seventy-four of the laws of eighteen hundred and ninety-five, is hereby amended so as to read as follows:

§ 161. Close season for wild fowl. Web-footed wild fowl shall not be shot at, hunted, killed or possessed from the first day of May to the thirtieth day of September, both inclusive; nor shall the same be pursued, shot at, hunted or killed between sunset and daylight; nor shall the same be pursued, shot at, hunted, killed or caught in any way, save with gun raised at arm's length and fired from the shoulder without other rest; nor from any boat other than a boat propelled by hand or floating device, except as provided in section one hundred and sixty-two, such fowls caught or killed in any manner prohibited by this section shall not be brought to the shore, sold or possessed. Whoever shall violate or attempt to violate the provisions of this section, shall be deemed guilty of a misdemeanor and in addition thereto shall be liable to a penalty of twenty-five dollars for each bird killed, trapped, netted or possessed contrary to the provisions of this section.

§ 2. This act shall take effect immediately.

Chap. 458.

AN ACT to amend the fisheries, game and forest law, to provide for granting franchises for shell-fish cultivation in Long Island sound, in Suffolk county.

Became a law April 22, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Article eight of chapter four hundred and eighty-eight of the laws of eighteen hundred and ninety-two, the title to which was amended by chapter three hundred and ninety-five of the laws of eighteen hundred and ninety-five, to read "An act relating to game, fish and wild animals, and to the forest preserve and Adirondack park, constituting chapter thirty-one of the general laws, and to be known as the fisheries, game and forest law," as amended by chapter nine hundred and seventy-four of the laws eighteen hundred and ninety-five, is hereby

amended by adding thereto another section to be known as section one hundred and ninety-nine and to read as follows:

§ 199. **Franchises for cultivation of shell fish in Long Island sound, in Suffolk county.** The commissioners of fisheries, game and forest may grant perpetual franchises for the purpose of shell fish cultivation, of the lands of the state under the waters of Long Island sound within the limits of Suffolk county. Except as hereinafter provided the said franchises must be advertised and sold as is prescribed for the sale of leases in section one hundred and ninety-seven of this act, and no grant shall be made for less than one dollar per acre payable in advance into the treasury of the state. No grant shall be made to any person or persons "who have not resided at least one year in this state," prior to the date of the sale and no franchise shall be sold, leased, licensed or conveyed by the owner at any time, to any person or persons who have not resided at least one year in this state next prior to the conveyance. The grantee shall immediately after the acceptance of the franchise cause the grounds granted to him to be plainly marked out by buoys, stakes and monuments and shall properly maintain the same at all times. The right to use and occupy the lands so granted shall be and remain in the grantee and his legal representatives and successors forever and shall be considered as personal property; provided only that the said grantee, his legal representatives or successors shall actually use, occupy, and cultivate the same within one year from the date of sale, for the purposes of shell fish propagation. Lands actually occupied prior to and at the time of the signing of the act creating this section of the law, may be granted to the occupant at one dollar per acre without advertisement and sale at public auction, at any time within one year from the creation of this section.

§ 2. All acts or parts of acts, so far as they are inconsistent with the provisions of this act are hereby repealed.

§ 3. This act shall take effect immediately.

Chap. 459.

AN ACT to amend the fisheries, game and forest law, in relation to the close season for quail, the possession of quail and the taking of fish in the waters of certain lakes.

Became a law April 22, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section seventy-two of chapter four hundred and eighty-eight of the laws of eighteen hundred and ninety-two, the title to which was amended by chapter three hundred and ninety-five of the laws of eighteen hundred and ninety-five, to read "An act relating to game, fish and wild animals and to the forest preserve and Adirondack park, constituting chapter thirty-one of the general laws and to be known as the fisheries, game and forest law," as amended by chapter nine hundred and seventy-four of the laws of eighteen hundred and ninety-five, is hereby amended to read as follows:

§ 72. Quail; close season. Quail shall not be pursued, shot at, hunted or killed, except from the first day of November until the fifteenth day of December. Whoever shall violate or attempt to violate the provisions of this section shall be deemed guilty of a misdemeanor, and in addition thereto shall be liable to a penalty of twenty-five dollars for each bird killed, trapped or possessed contrary to the provisions of this section.

§ 2. Section seventy-three of said act, as amended by chapter nine hundred and seventy-four of the laws of eighteen hundred and ninety-five, is hereby amended to read as follows:

§ 73. Quail; when not to be possessed. Quail shall not be sold or possessed except during the months of November and December, but possession thereof during the month of December after expiration of close season is forbidden and shall be deemed a violation of this section unless it be proved by the possessor that said birds were killed within the lawful periods for killing the same, or outside the state, and they shall not be killed or possessed in the counties of Chemung, Genesee, Wyoming, Orleans, Livingston, Monroe, Cayuga, Seneca, Wayne, Tompkins, Tioga, Onondaga, Ontario, Steuben, Cortland and Otsego, prior to the first day of November, eighteen hundred and ninety-eight.

The provisions of this section shall not apply to Robin's island and Gardiner's island. Whoever shall violate, or attempt to violate, the provisions of this section shall be deemed guilty of a misdemeanor, and in addition thereto shall be liable to a penalty of twenty-five dollars for each bird killed, trapped or possessed contrary to the provisions of this section.

§ 3. The provisions of this act shall not apply to Long Island.

§ 4. This act shall take effect immediately.

Chap. 460.

AN ACT to amend the fisheries, game and forest law, by prohibiting fishing in Lawrence brook, in the towns of Moira and Dickinson, Franklin county, for a period of five years.

Became a law April 22, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Chapter four hundred and eighty-eight of the laws of eighteen hundred and ninety-two, the title to which was amended by chapter three hundred and ninety-five of the laws of eighteen hundred and ninety-five to read "An act relating to game, fish and wild animals and the forest preserve and Adirondack park, constituting chapter thirty-one of the general laws, and to be known as the fisheries, game and forest law," as amended by chapter nine hundred and seventy-four of the laws of eighteen hundred and ninety-five, is hereby amended by adding at the end of article six thereof a new section, to be section one hundred and fifty-seven, and to read as follows:

§ 157. Fishing in Lawrence brook, Franklin county. No fish shall be fished for, caught or killed in any manner or by any device in Lawrence brook or its tributaries, in the towns of Moira and Dickinson in the county of Franklin, for a period of five years from the first day of June, eighteen hundred and ninety-eight, except that suckers may be fished for and caught with snares only. Whoever shall violate or attempt to violate the provisions of this section shall be deemed guilty of misdemeanor and in addition thereto shall be liable to a penalty of twenty-five dollars for each violation thereof.

§ 2. This act shall take effect immediately.

Chap. 461.

AN ACT to amend the fisheries, game and forest law, and the acts amendatory thereof, relative to taking shad, herring and other fish in the Hudson and Delaware rivers, and other waters.

Became a law April 22, 1898, with the approval of the Governor.
Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one hundred and thirty-six of chapter four hundred and eighty-eight of the laws of eighteen hundred and ninety-two, the title to which was amended by chapter three hundred and ninety-five of the laws of eighteen hundred and ninety-five, to read "An act relating to game, fish and wild animals and to the forest preserve and Adirondack park, constituting chapter thirty-one of the general laws, and to be known as the fisheries, game and forest law," as amended by chapter three hundred and eighty-eight of the laws of eighteen hundred and ninety-seven, is hereby amended so as to read as follows:

§ 136. **Taking shad, herring and other fish in the Hudson and Delaware rivers, and other waters.** Except as herein provided, shad, herring and other fish shall not be taken from the Hudson and Delaware rivers or Rondout creek with nets of any kind. Between the fourteenth day of March and the fifteenth day of June, shad and herring may be taken from said waters by nets to be operated by hand only; and from the Catskill creek below Cook's dam, so called, by means of scoop-nets, dip-nets and scap-nets; but said nets shall not be set, placed nor drawn nor fish taken therefrom between sunset on Friday night and sunrise on Monday morning, unless by reason of the inclemency of the weather said nets cannot be drawn prior to sunset on Friday night, in which case it shall be lawful to take fish therefrom as soon as the weather will permit on Saturday, and between the first day of September and the thirtieth day of May following, bullheads, catfish, suckers, eels, pickerel, sturgeon, white and yellow perch, carp and sunfish may be caught by means of hoop-nets, fykes, dip-nets, scap-nets, and gill-nets, in the Hudson river, Wallkill creek, in Rondout creek below the dam at Eddyville, in Wappingers creek, in the Ten Mile river in the town of Dover,

and in Catskill creek below Cook's dam, so called, by means of scoop-nets, dip-nets and scap-nets. Nets shall not be set or used north of the dam at Troy. Between June first and September first sturgeon may be taken in the waters of the Hudson river with sturgeon nets of not less than eleven inches mesh. Nothing in this section shall be construed to prohibit the catching of fish with hook and line in Rondout creek at any time. Whoever shall violate or attempt to violate any of the provisions of this section shall be deemed guilty of misdemeanor, and in addition thereto shall be liable to a penalty of fifty dollars for each violation thereof.

§ 2. This act shall take effect immediately.

Chap. 462.

AN ACT to amend the fisheries, game and forest law, and the act amendatory thereof, relating to the use of nets.

Became a law April 22, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one hundred and thirty-nine, of article six of chapter four hundred and eighty-eight of the laws of eighteen hundred and ninety-two, the title to which was amended by chapter three hundred and ninety-five of the laws of eighteen hundred and ninety-five, to read "An act relating to game, fish and wild animals and to the forest preserve and Adirondack park, constituting chapter thirty-one of the general laws and to be known as the fisheries, game and forest law," as amended by chapter nine hundred and seventy-four of the laws of eighteen hundred and ninety-five, is hereby amended to read as follows:

§ 139. Nets not to be used in the Harlem river. Nets, set nets, pounds or fykes shall not be used in Harlem river, or East river, or Long Island sound from Hell Gate to the northern boundary line of the present City of New York, including all adjacent bays, creeks and confluent brooks within said limits. This section shall not apply to nets used for catching lobsters or crabs in said waters. Whoever shall violate or attempt to violate the

provisions of this section shall be deemed guilty of misdemeanor, and in addition thereto shall be liable to a penalty of one hundred dollars for each violation thereof.

§ 2. This act shall take effect immediately.

Chap. 463.

AN ACT to amend chapter two hundred and fifty-one of the laws of eighteen hundred and ninety-six, entitled "An act for the protection of fur-bearing animals in the counties of Wayne, Jefferson and Cayuga."

Became a law April 22, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Sections one and two of chapter two hundred and fifty-one of the laws of eighteen hundred and ninety-six are hereby amended to read respectively as follows: Act amended.

§ 1. No person shall catch or kill, or attempt to catch or kill, within the counties of Wayne, Jefferson and Cayuga, any mink, skunk, muskrat or fox, except upon his premises or within the limits of an incorporated village, or have the same in his possession which was so killed, from the first day of May, to the thirty-first day of the following October; except that foxes shall not be so killed or caught from the first day of May to the thirtieth day of the following September. The provisions of this act relating to foxes shall not apply to Cayuga county. Killing, etc., of fur-bearing animals.

§ 2. Any person violating the provisions of this act shall be liable to a penalty of twenty-five dollars for each and every offense, to be recovered, with the costs of the suit, by any person in his own name, or by a game constable or game protector of a town or county, before a justice of the peace in the counties of Wayne, Jefferson or Cayuga when the amount does not exceed the jurisdiction of such justice, or before a court of record in such counties. One-half of the penalty so recovered shall go to the person bringing the action, and one-half to the county treasurer, to be credited to the poor fund of the town where the offense was committed. Penalty for violation of act.

§ 2. This act shall take effect immediately.

Chap. 464.

AN ACT to amend the benevolent orders law, relating to the election of trustees of benevolent and fraternal orders or societies and the consolidation of such orders or societies.

Became a law April 22, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section two of chapter three hundred and seventy-seven of the laws of eighteen hundred and ninety-six, entitled "An act in relation to benevolent orders, constituting chapter forty-four of the general laws," is hereby amended by inserting therein after subdivision nine a new subdivision to be known as subdivision ten, and to read as follows:

10. Any subordinate lodge, tribe or other body of any benevolent or fraternal order or society incorporated under and pursuant to the laws of this state.

§ 2. Section seven of such act is hereby amended to read as follows:

§ 7. Joint corporations. Any number of masonic bodies within the state, chartered by the grand lodge of Free and Accepted Masons of the State of New York, the grand chapter of Royal Arch Masons of the state of New York, the Grand council of Royal and Select Masters of the state of New York, the grand commandery of Knights Templar of the state of New York, the supreme council of the Ancient and Accepted Scottish Rite for the northern masonic jurisdiction, United States of America, or the imperial council of the Ancient Arabic Order of Nobles of the Mystic Shrine, United States of America; any lodges, encampments and cantons within the state chartered by the grand lodge of the Independent Order of Odd Fellows, the grand encampment of the Independent Order of Odd Fellows, or by the sovereign grand lodge of the Independent Order of Odd Fellows; any lodges or other bodies of the Knights of Pythias, duly chartered by and installed according to the general rules and regulations of the grand lodge of Knights of Pythias of the state of New York, any posts of the Grand Army of the Republic chartered and installed according to the regulations of that organization, any lodges or other bodies of the Deutcher

Orden der Harugari, duly chartered and installed according to the general rules and regulations of the grand lodge of the Deutcher Orden der Harugari of the state of New York, or of the sovereign grand lodge of the Deutcher Orden der Harugari of the United States, any number of trades unions, trades assemblies, trades associations or labor organizations, and any number of subordinate lodges, tribes or other bodies of any benevolent or fraternal order or society incorporated under and pursuant to the laws of this state, may unite in forming a corporation for the purpose of acquiring, constructing, maintaining and managing a hall, temple or other building and of creating, collecting, and maintaining a library for the use of the bodies uniting to form such corporation. Each body uniting to form such corporation shall, at a regular meeting thereof, held in accordance with its constitution and general rules and regulations or by-laws, elect a member thereof to be a trustee of such corporation, and shall make and file in the office of the clerk of the county where such building is to be located a certificate of such election signed and acknowledged by the highest two officers thereof, stating the time and place of the election, its regularity, the name of the trustee, and the name of the body from which he was elected. The trustees so elected shall make, acknowledge and file a certificate stating the name of the corporation to be formed, its purposes and objects, the names and places of residence of the trustees, the names of the bodies which they respectively represent, and the name of the town, village or city where such building is to be located; and thereon such trustees and their successors shall be a corporation for the purposes specified in such certificate.

§ 3. This act shall take effect immediately.

Chap. 465.

AN ACT to amend the insurance law.

Became a law April 22, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one hundred and eighteen of chapter six hundred and ninety of the laws of eighteen hundred and ninety-

two, entitled "An act in relation to insurance corporations, constituting chapter thirty-eight of the general laws," is hereby amended to read as follows:

§ 118. Allowance of assets and estimation of liabilities upon examinations. When an examination is made by the authority of the superintendent of insurance into the affairs of any fire insurance corporation doing business in this state, or when such corporation renders a statement to the insurance department, there shall not be allowed as assets any investments which are not held as prescribed by law at the date of such examination or rendering such statement; but unpaid premiums on policies written within three months shall be admitted as available resources. In estimating its liabilities, there shall be charged, in addition to the capital stock and all outstanding claims, a sum equal to the total unearned premiums on the policies in force, calculated on the gross sum without any deduction on any account, charged to the policyholder on each respective risk from the date of the issue of the policy. In the case of an examination into the condition of any mutual fire insurance corporation with capital stock notes, the value of such notes shall be ascertained and the responsibility of the makers thereof certified to in the same manner as is required by section one hundred and eleven of this chapter.

§ 2. This act shall take effect immediately.

Chap. 466.

AN ACT to amend the railroad law, and the acts amendatory thereof, relative to interlocking switch and signal devices.

Became a law April 22, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section thirty-six of chapter five hundred and sixty-five of the laws of eighteen hundred and ninety, entitled "An act in relation to railroads constituting chapter thirty-nine of the general laws, is hereby amended so as to read as follows:

§ 36. Locomotives must stop at grade crossings. All trains and locomotives on railroads crossing each other at grade shall

come to a full stop before crossing, not less than two hundred or more than eight hundred feet from the crossing, and shall then cross only when the way is clear and upon a signal from a watchman stationed at the crossing. If the corporations can not agree as to the expense of the watchman, it shall be determined by the supreme court, upon motion thereto by either of them. If the corporations disagree as to the precedence of trains, the board of railroad commissioners may, after hearing, upon the application of either corporation, prescribe rules in relation thereto. The full stop and crossing on signal may be discontinued if the board of railroad commissioners shall decide it to be impracticable, or if, with the approval of the commissioners, an interlocking switch and signal apparatus is adopted and put in operation as such a crossing. The full stop and crossing on signal shall not be required in depot yards, or the approaches thereto, if the crossing roads are under lease or subject to the same management or control in the use of tracks. An engineer, violating the foregoing provisions of this section, or any such rule of the railroad commissioners, shall be liable to a penalty of one hundred dollars; and any corporation or person operating the railroad, violating any of such provisions or rules shall be liable to a penalty of five hundred dollars. The board of railroad commissioners may, whenever in its judgment the public safety requires the erection of interlocking switch and signal devices at points where steam and street surface railroads intersect at grade, direct the erection of such devices and apportion the expense of construction, operation and maintenance thereof between the companies affected thereby. No railroad corporation, or any officer, agent or employe thereof, shall stop its cars, horses, or locomotives upon a grade crossing of a railroad of another corporation, for the purpose of receiving or delivering passengers or freight, or other purpose, and any person or corporation violating this provision, shall be liable to a penalty of two hundred and fifty dollars.

§ 2. This act shall take effect immediately.

Chap. 467.

AN ACT to legalize and confirm the official acts of a notary public.

Became a law April 22, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Official
acts legal-
ized.

Section 1. The official acts of Louis F. Murray, a notary public, appointed in and for the city and county of New York and duly commissioned for such city and county, which acts have been performed since the first day of October, eighteen hundred and ninety-six, in such city and county of New York, and also such acts as have been performed by the said Louis F. Murray in the county of Westchester since the date of the filing of a certified copy of the appointment of said Louis F. Murray as notary public in and for the city and county of New York, together with the certificate of the clerk of the city and county of New York and the autograph signature of said Louis F. Murray in the office of the clerk of the county of Westchester, so far as such acts may be affected, impaired or questioned by reason of the change of residence made after the appointment or by reason of said Louis F. Murray not having been originally a resident of and appointed and commissioned for and sworn as a notary public for the county of Westchester wherein he has acted in good faith in each of said counties, are hereby legalized and confirmed and made as effectual and valid as if the said notary public had not changed his residence from the city and county of New York and so far as such acts were performed in the county of Westchester, as if the said Louis F. Murray had originally been a resident of and had been appointed, commissioned and sworn as and for a notary for the county of Westchester at the time of the performance of such acts in the county of Westchester. But nothing herein shall affect any action or proceeding now pending.

Proviso.

§ 2. This act shall take effect immediately.

Chap. 468.

AN ACT to authorize the comptroller of this state to hear and determine the application of John R. Wilson and Louis Suepernant for the cancellation of the tax sale for unpaid taxes of all that part of lot number sixty-six in the Hofman township in Essex county, New York, which lies east of Trout brook in said township.

Became a law April 22, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Jurisdiction is hereby conferred upon the comptroller of this state to hear and determine the application of John R. Wilson and Louis Suepernant, for the cancellation of the tax sale of all that part of lot number sixty-six in the Hofman township, Essex county, New York, which lies east of Trout brook, in said township. The said John R. Wilson and Louis Suepernant claiming to be the owners thereof, and claiming that said land was assessed as resident land, and also as non-resident in the same year, and the taxes on the assessed as resident land was paid, and the land was sold for the taxes on the non-resident assessment, and the said comptroller is hereby authorized to act upon said application in the same manner, and with the same effect, as if the application had been made by the purchaser at the tax sale.

Jurisdiction to hear application.

§ 2. Prior to the hearing upon such application, the said John R. Wilson and Louis Suepernant shall cause to be served upon the attorney-general of this state a notice of said hearing. Said notice shall be served at least fourteen days before the date of said hearing.

Notice of hearing.

§ 3. This act shall take effect immediately.

Chap. 469.

AN ACT to protect navigation in certain tide waters within the state of New York.

Became a law April 22, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Certain navigable tidewater streams to be kept at certain depth.

Section 1. Whenever a municipal corporation shall divert or cause to be diverted the water, or a portion thereof, of a fresh water stream or streams outside the limits of an incorporated city flowing into a tidewater creek or estuary which tidewater creek or estuary before such diversion was navigable for vessels of twenty or more tons burthen, it shall be the duty of the corporation so diverting or causing to be diverted such stream or streams of fresh water to keep said navigable tidewater creek or estuary deepened to the depth of at least three feet at low water mark from its mouth to the head of tidewater for the full natural width of said creek, and to maintain such navigable depth of water at all times.

Notice to restore navigable stream to depth specified.

§ 2. It shall be the duty of the supervisor of the town or the president of the incorporated village in which any such tidewater creek or estuary is located, in whole or in part, to serve written or printed notice on the chief officer of the municipal corporation so diverting water from the stream of fresh water, or on the superintendent or other person in charge of the works, at any time, of the fact of such tidewater creek or estuary not being maintained at the depth and width herein provided for, and the said municipal corporation shall within fifteen days thereafter, by dredging or otherwise, restore such navigable stream to the depth as specified by this act; and it shall not be lawful for such corporation to continue the diversion of any such fresh water stream after said fifteen days have expired from the time of serving such notice, until the tidewater creek or estuary into which any such stream flows shall have been deepened to the required depth and width. If such municipal corporation disputes any of the allegations of fact contained in such notice, it must within three days after receiving the notice cause a reply in writing to be served on the town or village officer whose name is signed thereto by delivering the same to him personally, or to

Diversion of water thereafter prohibited.

Service of reply.

the town clerk or village clerk as the case may be, and such reply in writing must state what alleged fact is disputed, and also clearly specify the reasons for controverting the allegations of fact contained in the notice.

§ 3. In case of any controversy arising between such town or village officer and the said municipal corporation diverting such fresh water as to the depth or width of said tidewater creek or estuary, the state engineer and surveyor shall, within ten days after notice to him, cause said tidewater creek or estuary to be inspected and a report as to its condition to be filed in his office, and the depth at low-water mark as certified to by him shall be deemed correct, and the expense of such inspection shall be paid by the said municipal corporation, which corporation shall have fifteen days from and after the filing of such report in which to put such tidewater creek or estuary into the proper navigable condition herein provided for.

Inspection
by state
engineer
upon
contro-
versy.

Expense
thereof.

§ 4. At any time after fifteen days' notice has been given, as hereinabove provided for, by the supervisor of a town or the president of a village in which such tidewater creek or estuary is located, either of such officers, as the case may be, may apply to the supreme court for an injunction restraining said municipal corporation from diverting any fresh water from the stream or streams above until such tidewater creek or estuary shall have been put into the proper condition as to depth and width herein provided for, and it shall be the duty of the court to grant such injunction, and the costs of such proceeding shall be paid by the municipal corporation diverting such stream of water.

Injunction
to restrain
diversion
of waters.

§ 5. The provisions of this act shall also apply in every respect to any stock corporation or association, or any individual diverting the water of a fresh water stream which would otherwise flow into a tidewater creek or estuary, and the service of any notice or other paper necessary in an action or otherwise shall be deemed to be served on such corporation or association, or on such individual, if served on the superintendent or other person in charge of the works by which the water is diverted from such stream.

Applica-
tion of pro-
visions.

§ 6. Any corporation or individual continuing to divert water from such fresh water stream without maintaining the navigable depth of the tidewater creek or estuary into which it flows, as herein provided for, shall be liable to a penalty of fifty dollars per

Penalty for
continuing
diversion
of water,
etc.

day for each and every day such diversion is continued, computing from the expiration of fifteen days after notice is given as provided in section two, which penalty may be sued for and recovered by such supervisor or village president in the name of the town or village in which such tidewater creek is so located, and the amount recovered shall be paid into the treasury of such town or village.

§ 7. This act shall take effect immediately.

Chap. 470.

AN ACT releasing the interest of the state of New York in certain lands, of which Sarah Folao died seized, to George W. Church as overseer of the poor of the town of Romulus, in the county of Seneca and state of New York.

Became a law April 22, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Interest of
state
released.

Section 1. All the right, title and interest of the people of the state of New York in and to all that part of Military lot number eighty-three, situate in the town of Romulus, county of Seneca, and state of New York, and bounded as follows: Beginning in the center of the highway at the northwest corner of the land hereby intended to be conveyed; running thence in a southeasterly direction along the Geneva and Ithaca railroad to lands now or formerly owned by Elvira Brown; from thence west to the center of the highway; thence north along the center of the highway to the place of beginning. Containing one-fourth of an acre of land, be the same more or less. Being same premises conveyed by Patrick Anderson to said Sarah Folao, deceased, by deed dated September twenty-third, eighteen hundred and seventy-six, and recorded in Seneca county clerk's office in liber one hundred and two, page three hundred and twenty-six.

§ 2. This act shall take effect immediately.

Chap. 471.

AN ACT for the relief of William S. Wynn and James C. Wynn.

Accepted by the city.

Became a law April 22, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The board of estimate and apportionment of The City of New York is hereby authorized and empowered to examine the claim of William S. Wynn and James C. Wynn for coal furnished by them during the months of January and February, eighteen hundred and ninety-six, to the department of charities of the city and county of New York, and if it shall satisfactorily appear to the said board that such materials were actually furnished, although not under a contract entered into after advertisement and sealed bids or proposals and that said claim is founded in equity and justice, then said board of estimate and apportionment is hereby authorized to audit and allow as a charge against The City of New York, the amount of said claim or any part thereof, and to include in the taxes to be levied and raised for the year eighteen hundred and ninety-nine upon the estates subject to taxation in The City of New York, an amount sufficient to pay such sum, as may be audited and allowed, and to file a certificate thereof in the office of the comptroller of The City of New York.

Examination and audit of claim.

§ 2. The comptroller of The City of New York is hereby authorized and directed to raise such sum of money as may be necessary to pay said claim or such part thereof as may be audited and allowed by said board of estimate and apportionment as hereinbefore provided by the issue of revenue bonds in anticipation of the taxes of the year eighteen hundred and ninety-nine, and the said comptroller is hereby further authorized and directed to pay over to the said William S. Wynn and James C. Wynn the money so raised for and upon said claim.

Provision for payment of claim.

§ 3. This act shall take effect immediately.

Chap. 472.

AN ACT declaring the East brook, a tributary of the easterly branch of the Saint Regis river, a public highway for the floating of logs and shingle bolts.

Became a law April 22, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Brook
declared a
public
highway.

Section 1. East brook, a tributary of the easterly branch of Saint Regis river, situate in Saint Lawrence and Franklin counties, is hereby declared and constituted a public highway for the purpose of floating logs and shingle bolts down the same; and

Erection of
dams and
booms.

that upon said brook no person shall hereafter be allowed to erect any dam without an apron or chute of at least ten feet wide, in the current of the said stream in the rollway of said dam, of a proper slope and good and sufficient supports and fixtures for the purpose of running logs and shingle bolts; and that all booms hereafter made on said stream shall have an opening or passageway of at least ten feet wide in the current of said stream, and that said passageway be closed except when necessary for the purpose of running logs and shingle bolts; and that any person or persons desiring to float logs and shingle bolts down said stream may construct a shoal or chute or apron in connection with any dam now made or standing thereon, and may alter or reconstruct any booms now made or constructed over and across said stream in a suitable manner to allow logs and shingle bolts to pass down, no unnecessary injury or damage being done to the owners or occupants of the lands or fixtures along said stream,

Alteration
of booms.

Payment of
damages.

and paying to such owners or occupants such damages as he or they may actually sustain by reason of such alteration of such booms or dams, and the flowing of water by the same or by any carelessness or inattention of such persons or their employes in and about such dams or booms, to be appraised by commissioners to be appointed by the county judge of the county of Franklin, or the county judge of the county of Saint Lawrence, as the case may be, on the application of any person entitled to and claiming such damages on ten days' notice in writing being given by the

Approval
by commis-
sioners.

party claiming to the opposite party of the time and place of making such application.

§ 2. This act shall take effect immediately.

Chap. 473.

AN ACT to amend chapter six hundred and seven of the laws of eighteen hundred and ninety-five, entitled "An act authorizing religious corporations to establish and maintain a home for the aged poor of their membership or congregation, and to take and hold property therefor."

Became a law April 22, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one of chapter six hundred and seven of the laws of eighteen hundred and ninety-five, entitled "An act authorizing religious corporations to establish and maintain a home for the aged poor of their membership or congregation, and to take and hold property therefor," is hereby amended so as to read as follows: ^{Act amended.}

Section 1. An incorporated church or congregation in this state, either by itself or in conjunction with other incorporated churches or congregations shall have power to establish and maintain by its or their trustees or other officers, as part of its or their regular church and charitable work, a home for the aged poor of its or their membership or congregation and may take and hold as joint tenants, tenants in common or otherwise, by conveyance, donation, bequest or devise, real and personal property for such purpose, and may purchase or erect suitable buildings therefor. ^{Establishment of home for aged poor.}

§ 2. Section two of said act is hereby amended so as to read as follows:

§ 2. Any such church or congregation, either by itself or in conjunction with other incorporated churches or congregation may taken and hold any grant, donation, bequest or devise of real or personal property heretofore made, upon trust, and apply the same or the income thereof under the direction of the trustees or other officers hav ^{May take and hold property therefor.}

ing charge of the temporalities of such church, or churches, or congregation, or congregations for the purpose of establishing or maintaining such a home, and for the erection, preservation, repair or extension of any building or buildings for such purpose, upon such terms and conditions and subject to such conditions, limitations and restrictions as shall be contained in the deed, will or other instrument or conveyance by which the property is given, transferred or conveyed.

§ 3. This act shall take effect immediately.

Chap. 474.

AN ACT to amend chapter four hundred and eighty-one of the laws of eighteen hundred and ninety-seven, entitled "An act to amend the town law, and the acts amendatory thereof, relating to the holding of biennial town meetings," and providing for the election of assessors and commissioners of highways, in the spring of eighteen hundred and ninety-nine.

Became a law April 22, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Town law
amended.

Section 1. Section twenty-one of chapter four hundred and eighty-one of the laws of eighteen hundred and ninety-seven, entitled "An act to amend the town law, and the acts amendatory thereof, relating to the holding of biennial town meetings," is hereby amended to read as follows:

Election of
town
officers in
1898.

§ 21. There shall be elected at the town meeting in each town, in the spring of eighteen hundred and ninety-eight, one supervisor, one town clerk, one highway commissioner, one assessor, one collector, one or two overseers of the poor, not more than five constables, and two inspectors of election for each election district, all of whom shall hold office for a term of one year. At the town meeting to be held in the spring of eighteen hundred and ninety-nine, all of such officers shall be elected in the manner and for the terms prescribed in this act. There shall be elected at the town meeting to be held in the spring of eighteen hundred and ninety-eight, one justice of the peace for a term of four years, beginning on the first day of January, eighteen hundred and ninety-nine. At the town meeting to be held in the spring of eighteen hundred and ninety-nine, there shall be elected two justices of the peace for a

Election in
1899, and
terms.

Justices of
peace.

term of four years beginning on the first day of January, nineteen hundred; and at the biennial town meetings thereafter held there shall be elected two justices of the peace for a like term, beginning on the succeeding first day of January. At the town meeting to be held in the spring of eighteen hundred and ninety-nine, there shall be elected three assessors, two for a full term of two years and one for a term of one year beginning at the expiration of the term of office of the assessor, whose term will expire in the spring of nineteen hundred. At every biennial town meeting thereafter held, three assessors shall be elected for a term of two years. If in any town there are three commissioners of highways, there shall be elected at the town meeting to be held in the spring of eighteen hundred and ninety-nine, three commissioners of highways, two for a term of two years and one for a term of one year, beginning at the expiration of the term of office of the commissioner whose term will expire in the spring of nineteen hundred. At every biennial town meeting thereafter held in any such town, three commissioners of highways shall be elected for a term of two years. The provisions of this act shall not affect or abridge the term of office of any town officer elected prior to the passage of this act. In those towns where boards of town auditors have been established by law and are in existence at the time of holding of the annual town meeting in the spring of eighteen hundred and ninety-eight, the person elected to the office of town auditor, at the said annual town meeting in the spring of eighteen hundred and ninety-eight, whether so elected before or after the passage of this act shall hold office for the term of one year beginning at the expiration of the term of office of the auditor whose term of office will expire in the spring of eighteen hundred and ninety-eight. At the biennial town meeting held in the spring of eighteen hundred and ninety-nine, in those towns where board of town auditors have been so established there shall be elected three town auditors, two for a full term of two years and one for a term of one year beginning at the expiration of the term of office of the auditor whose term of office will expire in the spring of nineteen hundred. At every biennial town meeting thereafter held in those towns where boards of town auditors have been established, as provided by law, three town auditors shall be elected, for a term of two years.

Assessors.

Commissioners of highways.

Board of town auditors.

§ 2. This act shall take effect immediately.

Chap. 475.

AN ACT to legalize the official acts of Paul D. Ives, Leroy Buckley and Albert J. Lawrence as justices of the peace of the town of Easton, in Washington county, New York, and to authorize them to file proper official bonds as such justices.

Became a law April 22, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Official
acts legal-
ized.

Section 1. The official acts of Paul D. Ives, Leroy Buckley and Albert J. Lawrence as justices of the peace of the town of Easton, Washington county, New York, performed by either of them before he had filed a proper bond as required by law as such justice, are hereby legalized and validated, and either of said justices of the peace who has neglected to file an official bond or undertaking within the time prescribed by law may file such bond or undertaking within sixty days from and after the passage of this act, and the same shall have all the force, effect and validity as if the same had been done within the time required by law.

Powers.

2. Nothing in this act shall affect any action or proceeding at law commenced prior to the time this act takes effect.

3. This act shall take effect immediately.

Chap. 476.

AN ACT in relation to the village of Chatham, in Columbia county.

Became a law April 22, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Provisions
of village
law appli-
cable.

Section 1. The provisions of chapter four hundred and fourteen of the laws of eighteen hundred and ninety-seven, known as the village law, are hereby declared to be applicable to the village of Chatham, in Columbia county; and all proceedings had by the said village in pursuance of the provisions of said chapter are hereby legalized, ratified and confirmed.

§ 2. The board of trustees of the village of Chatham are hereby authorized and empowered to appoint a police justice for said village, to hold office from the date of his appointment until and including the thirty-first day of December, eighteen hundred and ninety-eight. Said police justice, when appointed, shall be subject to and governed by the provisions of chapter four hundred fourteen of the laws of eighteen hundred and ninety-seven.

§ 3. Chapter four hundred and fifty-eight of the laws of eighteen hundred and seventy, and chapter three hundred and thirty-three of the laws of eighteen hundred and ninety-five, are hereby repealed.

§ 4. This act shall take effect immediately.

Chap. 477.

AN ACT for the relief of the Evangelical Lutheran Church of the Atonement of The City of New York, a religious corporation.

Accepted by the city.

Became a law April 22, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The real estate of the Evangelical Lutheran Church of the Atonement, of The City of New York, situate on the south-east corner of Edgecombe avenue and One Hundred and Fortieth street, in The City of New York, and designated in the department of taxes and assessments as lot number twenty-seven of block number twenty hundred and forty-two, held and owned solely for church purposes, is hereby released and discharged from the payment of taxes levied thereon for the year eighteen hundred and ninety-seven, and now unpaid, and from any and all assessments for public improvements heretofore levied and assessed thereon and now unpaid.

2. This act shall take effect immediately.

Chap. 478.

AN ACT legalizing and confirming the election of trustees of the Christian Brothers' School Society of Rochester, New York, and authorizing such society to convey its property to the Saint Patrick's Church Society of such city.

Became a law April 22, 1898, with the approval of the Governor.

Passed, a majority being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Election of trustees, etc., legalized.

Section 1. The election of trustees and other officers held by the Christian Brothers' School Society of the city of Rochester, on the eighteenth day of May, eighteen hundred and ninety-seven, is hereby legalized and confirmed.

Conveyance of property.

§ 2. The board of trustees of the Christian Brothers' School Society of the city of Rochester is hereby authorized to transfer and convey all the property of such society to Saint Patrick's Church Society of the city of Rochester, in payment of the indebtedness owing by the said Christian Brothers' School Society to the Saint Patrick's Church Society and in full liquidation thereof; and said Saint Patrick's Church Society is hereby authorized to accept such transfer and conveyance.

§ 3. This act shall take effect immediately.

Chap. 479.

AN ACT to amend chapter three hundred and fifty-five of the laws of eighteen hundred and ninety-five, entitled "An act to incorporate the Children's Aid Society of Rochester."

Became a law April 22, 1898, with the approval of the Governor.

Passed, a majority being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Charter amended.

Section 1. Section five of chapter three hundred and fifty-five of the laws of eighteen hundred and ninety-five, entitled "An act to incorporate the Children's Aid Society of Rochester," is hereby amended so as to read as follows:

Commitments to corporation.

§ 5. The guardianship of the person and the custody of indigent children may be committed to said corporation in all cases in which such commitment to any charitable or benevolent

institution is authorized by law. In the binding out, transfer or indenture of any child, said corporation shall, when practicable, place such child with, or transfer or indenture such child to an institution governed by persons of the same religious faith as the parents of such child, or to individuals of like religious faith.

Religious faith of parents to be considered.

§ 2. Section six of said act is hereby amended so as to read as follows:

§ 6. Said corporation may bind out any child surrendered or committed to it, for the time and in the manner provided by law for the binding out of children by charitable or benevolent institutions, and may place by adoption any child finally committed to it by any court of competent jurisdiction or lawfully committed to it as a pauper or indigent child or absolutely surrendered to it as provided by law. All adoptions heretofore made of children committed to said corporation by any court of competent jurisdiction, or by any superintendent or overseer of the poor or other officer or officers, are hereby declared valid.

Binding out and adoption of children.

Adoptions legalized.

§ 3. Section seven of said act is hereby amended so as to read as follows:

§ 7. The officers of said corporation shall have power, subject to the approval of the board of supervisors of the county of Monroe, to employ not more than three agents, one of whom may be designated as secretary of said society, and said supervisors may pay such superintendent and agents a reasonable compensation. The duties of such agent or agents may be prescribed by said board of supervisors, and shall be performed under the direction of the officers of said corporation.

Employment and duties of agents.

§ 4. This act shall take effect immediately.

Chap. 480.

AN ACT to provide for the election and to prescribe the terms of town trustees and of additional justices of the peace, assessors and constables in the town of Brookhaven, county of Suffolk.

Became a law April 22, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. There shall be elected in the town of Brookhaven, county of Suffolk, at the town meeting to be held in the spring of

Election and terms of justices of peace.

eighteen hundred and ninety-eight, two justices of the peace for a term of four years each, beginning on the first day of January, eighteen hundred and ninety-nine; at the town meeting to be held in the spring of eighteen hundred and ninety-nine, and biennially thereafter, four justices of the peace shall be elected in such town for a term of four years each, beginning on the first day of January succeeding their election.

Assessors.

§ 2. At the town meeting to be held in such town in the spring of eighteen hundred and ninety-eight there shall be elected two assessors, for a term of three years each; at the town meeting to be held in the spring of eighteen hundred and ninety-nine four assessors shall be elected, one for a term of two years and one for a term of four years, beginning immediately upon their election, and two for a term of three years each, beginning at the expiration of the terms of office of the assessors whose terms will expire in the spring of nineteen hundred. At the town meeting to be held in the spring of nineteen hundred and one, and biennially thereafter, there shall be elected three assessors for a term of four years each.

Constables.

§ 3. At the town meeting to be held in such town in the spring of eighteen hundred and ninety-nine, and biennially thereafter, there shall be elected eight constables and two lay constables for a term of two years each.

Trustee.

§ 4. At the town meeting to be held in such town in the spring of eighteen hundred and ninety-eight, there shall be elected seven trustees for a term of one year each, and at the town meeting to be held in the spring of eighteen hundred and ninety-nine, and biennially thereafter, seven trustees shall be elected for a term of two years each.

§ 5. This act shall take effect immediately.

Chap. 481.

AN ACT to provide for the display of the United States flag on the schoolhouses of the state, in connection with the public schools; and to encourage patriotic exercises in such schools.

Became a law April 22, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

§ 1. It shall be the duty of the school authorities of every public school in the several cities and school districts of the state to purchase a United States flag, flagstaff and the necessary appliances therefor, and to display such flag upon or near the public school building during school hours, and at such other times as such school authorities may direct.

Purchase and display of flag.

§ 2. The said school authorities shall establish rules and regulations for the proper custody, care and display of the flag, and when the weather will not permit it to be otherwise displayed, it shall be placed conspicuously in the principal room in the school-house.

Rules and regulations.

§ 3. It shall be the duty of the state superintendent of public instruction to prepare, for the use of the public schools of the state, a program providing for a salute to the flag at the opening of each day of school and such other patriotic exercises as may be deemed by him to be expedient, under such regulations and instructions as may best meet the varied requirements of the different grades in such schools. It shall also be his duty to make special provision for the observance in such public schools of Lincoln's birthday, Washington's birthday, Memorial day and Flag day, and such other legal holidays of like character as may be hereafter designated by law.

Patriotic exercises.

Provision for observance of holidays.

§ 4. The state superintendent of public instruction is hereby authorized to provide for the necessary expenses incurred in developing and encouraging such patriotic exercises in the public school.

Expenses in developing, etc. of exercises.

§ 5. Nothing herein contained shall be construed to authorize military instruction or drill in the public schools during school hours.

Proviso as to military drill, etc.

§ 6. This act shall take effect immediately.

Chap. 482.

AN ACT to amend section eighty-two, section eighty-three as amended by chapter one hundred thirty-four of the laws of eighteen hundred ninety-five, and to repeal section eighty-four of chapter three hundred and thirty-eight of the laws of eighteen hundred ninety-three, entitled "An act in relation to agriculture, constituting articles one, two, three, four, five, six and seven of chapter thirty-three of the general laws," relative to the prevention of disease in fruit trees and the pests that infect the same.

Became a law April 22, 1898, with the approval of the Governor
Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section eighty-two of chapter three hundred and thirty-eight of the laws of eighteen hundred and ninety-three is hereby amended so as to read as follows:

§ 82. The prevention of disease in fruit trees and the extirpation of insect pests that infect the same. No person shall knowingly or willfully keep any peach, almond, apricot, or nectarine tree affected with the contagious disease known as yellows. Nor shall any person knowingly or willfully keep any plum, cherry or other trees infected with the contagious disease or fungus, known as black knot, nor any tree, shrub or plant infested with or by the San Jose scale or other insect pest dangerously injurious to or destructive of the trees, shrub or other plant. Every such tree, shrub and plant shall be a public nuisance, and no damage shall be awarded for entering upon premises and destroying such trees if infected with yellows or infested with San Jose scale or for cutting away the diseased part of any tree affected with black knot or altogether destroying such tree if necessary to suppress such disease, if done in accordance with the provisions of this article, except as otherwise herein provided. Every person when he becomes aware of the existence of such disease or insect pest in any tree owned by him shall forthwith report the same to the commissioner of agriculture at Albany, New York, requesting said commissioner to take such action as the law provides.

§ 2. Section eighty-three of said chapter three hundred and thirty-eight of the laws of eighteen hundred and ninety-three, as amended by chapter one hundred and thirty-four of the laws of

eighteen hundred and ninety-five, are hereby amended so as to read as follows:

§ 83. Appointment and duties of the agent of the commissioner of agriculture. When the commissioner of agriculture knows or has reason to believe that any such contagious disease exists, or that there is good reason to believe that it exists, or danger is justly apprehended of its introduction in any town or city in the state, or that any injurious insect pest exists within this state, and has reason to believe that danger may be justly apprehended from its existence, he shall forthwith send some competent person and such agent or agents as he may deem necessary to assist in extirpating said pest or pests, disease or diseases, and the said commissioner of agriculture is hereby authorized and empowered to take such steps and do whatever may be deemed necessary to so control or prevent the spread or extirpate said pest or pests, disease or diseases, and he shall, unless previously inspected by a federal officer the same year, cause an examination to be made at least once each year prior to September first of each and every nursery or other place where trees, shrubs or plants, commonly known as nursery stock, are grown for sale for the purpose of ascertaining whether the trees, shrubs or plants therein kept or propagated for sale are infected with any such contagious disease or diseases, or infested with such pest or pests. If after such examination it is found that the said trees, shrubs or other plants so examined are free in all respects from any such contagious or infectious disease, or diseases, dangerously injurious, pest or pests, the said commissioner, or his duly authorized agent or other person designated to make such examination shall thereupon issue to the owner or proprietor of the said stock thus examined a certificate setting forth the fact of the examination and that the stock so examined is apparently free from any and all such disease or diseases, pest or pests. Should any nurseryman, agent, dealer or broker send out or deliver within the state, trees, vines, shrubs, plants, buds or cuttings, commonly known as nursery stock, and which are subject to the attacks of the insects and diseases above provided for, unless he has in his possession a copy of said certificate; dated within a year thereof; deface or destroy said certificate; or wrongfully be in possession of said certificate, he shall be guilty of a misdemeanor. All nursery stock shipped by freight, express or other transportation companies, shall be accompanied by a copy

of said certificate attached to each car, box, bale or package. Any person shipping nursery stock as above, without such certificate attached shall be guilty of a misdemeanor. A certificate issued by an official of the United States, setting forth the fact that the nursery stock is free from any and all such disease or diseases, pest or pests, shall be accepted in lieu of state inspection. If in the judgment of the said commissioner of agriculture or the person or persons representing him, the trees, shrubs or other plants should be entirely destroyed, then such destruction shall be carried on and completed under the supervision of the commissioner of agriculture, or the person or persons duly appointed by him, without unnecessary delay, but the owner of the trees shall be notified immediately, upon its being determined that they must be destroyed, by a written notice signed by such commissioner, or the person representing him and left at his usual place of residence, or if not a resident of the town by leaving the notice with the person in charge of the premises, trees or fruit or in whose possession they may be. Such notice shall contain a brief statement of the facts found to exist, whereby it is deemed necessary to destroy said trees, shrubs or other plants, and shall call attention to the law under which it is proposed to destroy them. In case of objection to the findings of the inspector or agent of the commissioner of agriculture, an appeal shall be made to said commissioner, whose decision shall be final; an appeal must be taken within three days from service of said notice, and shall act as a stay of proceedings until it is heard and decided. When the commissioner of agriculture or the person or persons appointed by him shall be determine that any tree or trees, shrubs or other plants must be treated or destroyed, forthwith he may employ all necessary assistants for that purpose, and such person or persons, agent or agents, employee or employees may enter any or all premises in any town or city necessary for the purpose of such treatment, removal or destruction.

§ 3. Section eighty-four of said chapter three hundred and thirty-eight of the laws of eighteen hundred and ninety-three is hereby repealed.

§ 4. The provisions of this act shall not apply to florists' green house plants, flowers and cuttings, commonly known as greenhouse stock.

§ 5. This act shall take effect June first, eighteen hundred and ninety-eight.

Chap. 483.

AN ACT to authorize the Rensselaer Polytechnic Institute to regulate and prescribe terms of admission to its courses of study and to grant degrees and certificates.

Became a law April 22, 1898, with the approval of the Governor.

Passed, a majority being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The Rensselaer Polytechnic Institute shall have exclusive power to regulate and prescribe the terms of admission of students to the courses of instruction prescribed from time to time to candidates for its degrees and on the satisfactory completion of such courses of study to confer degrees as authorized by chapter one hundred fifty-one of the laws of eighteen hundred and sixty-one, and the several laws amendatory thereof and to award suitable diplomas or certificates thereof.

§ 2. This act shall take effect immediately.

Chap. 484.

AN ACT conferring upon the board of claims jurisdiction to hear, audit and determine the alleged claims of Thomas A. Pine and others for materials furnished and work performed in connection with the state armory and drill room at Walton, New York.

Became a law April 22, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Jurisdiction is hereby conferred upon the board of claims to hear, audit and determine the alleged claims of Thomas A. Pine, George C. Robinson, LeGrand Houck, the firm of Eells and Reynolds, composed of John S. Eells and W. R. Reynolds, and The Walton Electric Light Company, for materials furnished and services rendered in fitting the state armory and drill room at Walton for occupancy, including lighting, plumbing, grading and walks, all of which materials were furnished and services rendered in eighteen hundred and ninety-six, and to make an

Jurisdiction to hear claims.

award and render judgment therefor against the state in favor of said claimants.

Award or
judgment

§ 2. No award shall be made or judgment rendered herein against the state, unless the facts proved shall make out a case against the state, which would create a liability, were the same established in evidence in a court of law or equity against an individual or corporation; and in case such liability shall be satisfactorily established, then the court of claims shall award to and render judgment for the claimants for such sum as shall be just and equitable, notwithstanding the lapse of time since the accruing of such damages, provided the claim hereunder is filed within one year after the passage of this act.

§ 3. This act shall take effect immediately.

Chap. 485.

AN ACT to legalize and confirm the official acts of Eldorous Dayton a notary public in and for Ulster county.

Became a law April 22, 1898, with the approval of the Governor.

Passed, a majority being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Official
acts legal-
ized.

Section 1. The official acts of Eldorous Dayton duly commissioned as a notary public in and for the county of Ulster performed in good faith since the thirtieth day of March, eighteen hundred and ninety-seven, are hereby legalized and confirmed with the same force and effect as if the term of office of said notary public had not then expired.

Proviso.

§ 2. Nothing in this act shall effect any legal action instituted and pending by reason of the expiration of said term of office.

§ 3. This act shall take effect immediately.

Chap. 486.

AN ACT to amend section nine of chapter three hundred and fifty-four of the laws of eighteen hundred and eighty-four, entitled "An act to provide for the care, transportation and commitment and the payment therefor of lunatics, idiots, persons of unsound mind, deaf-mutes, orphans and paupers, the expense of whose maintenance and transportation is a charge upon the county of Albany, and to define the duties of the superintendent of the almshouse in the city of Albany."

Became a law April 22, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section nine of chapter three hundred and fifty-four of the laws of eighteen hundred and eighty-four, entitled "An act to provide for the care, transportation and commitment and the payment therefor of lunatics, idiots, persons of unsound mind, deaf-mutes, orphans and paupers, the expense of whose maintenance and transportation is a charge upon the county of Albany, and to define the duties of the superintendent of the almshouse in the city of Albany," is hereby amended so as to read as follows:

§ 9. It shall be the duty of all institutions and asylums receiving from Albany county any persons mentioned in sections one and two of this act to make report to the said superintendent, when required by him so to do, of any matters and facts relating to the confinement or condition of such persons. Any incorporated body in the county of Albany, over the management and affairs of which the state board of charities of the state of New York, has jurisdiction and supervision, which shall have any claim against the county of Albany, for the board, support, maintenance or education of any child or children lawfully committed thereto, is hereby authorized to present to the county treasurer of Albany county a bill on the last day of each quarter for the amount of such claim during such quarter, in the same form and with the same verification as is required in the case of a like bill presented for audit to the board of supervisors of Albany county, and such bill, when duly certified to be correct by the superintendent of the almshouse of Albany county, shall be paid by the said county treasurer to the extent of seventy-five per centum of

Act amended.

Reports of institutions and asylums.

Claims for support of children.

Payments by treasurer.

Audit by
supervisors.

the amount so certified by said superintendent. The total amount of the claim against said county during each year must be presented to the board of supervisors for audit in the same manner as heretofore, and there must be credited upon such claim the payment or payments made as aforesaid.

§ 2. This act shall take effect immediately.

Chap. 487.

AN ACT to amend section three of chapter two hundred and thirty-one of the laws of eighteen hundred and seventy-six, entitled "An act to make the office of supervisor, in the county of Erie, a salaried office, and to provide for the appointment and compensation of other officers of said board," as amended by chapter one hundred and ninety-five of the laws of eighteen hundred and seventy-nine, as further amended by chapter four hundred and eighty-five of the laws of eighteen hundred and ninety-two, in relation to the officers of the board of supervisors.

Became a law April 22, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Act
amended.

Section 1. Section three of chapter two hundred and thirty-one of the laws of eighteen hundred and seventy-six, entitled "An act to make the office of supervisor in the county of Erie, a salaried office, and to provide for the appointment and compensation of other officers of said board," as amended by chapter one hundred and ninety-five of the laws of eighteen hundred and seventy-nine and by chapter four hundred and eighty-five of the laws of eighteen hundred and ninety-two, is hereby amended so as to read as follows:

Clerk of
board of
supervisors.

§ 3. The clerk of the board of supervisors of the county of Erie shall in person, or by a proper and competent assistant, attend in the office of the supervisors' clerk, in the city and county hall in the city of Buffalo every day in the year, except Sundays and legal holidays, between the hours of nine o'clock in the forenoon and five o'clock in the afternoon for the transaction of the business of his office. He shall keep a record of the commitment and discharge, or of the death after commitment and before discharge of all persons who shall be confined in any asylum or

Record of
commitments in
asylums,
etc.

institution on the first day of January, eighteen hundred and ninety-eight, and of all persons who shall be committed to any asylum or institution of any kind where their keeping shall be charged to said county, and on and after January one, eighteen hundred and ninety-eight, a complete annual record, which record shall show the names in full of the persons so committed between the first day of January and the first day of January of the succeeding year and the name of the court officer, or person by whom the commitment shall have been made, the cause for the commitment, the date of commitment, and of the death or discharge of each person, which record shall always be open to inspection by all officers of the county of Erie, of the city of Buffalo or of any town or ward within said county, and to the public in general. It is hereby made the duty of the keepers of all said asylums and institutions, and of all courts, officers and persons making said commitments, to promptly furnish information of the same to said clerk from time to time, as he may request the same for the purpose of enabling him to make and keep the record aforesaid. Said clerk shall also make reasonable inquiry to ascertain if the keeping of such persons is properly chargeable to the county, and promptly report to the board of supervisors, at its annual session, all cases in which, in his opinion, the county is being improperly charged with such keeping. The said clerk shall foot all assessment-rolls which may be prepared in the city and county for the extension of county and state taxes, and shall extend on all said rolls, all taxes which may be levied by the board of supervisors. He shall also keep a list of corporations in the county of Erie taxable under chapter three hundred and sixty-one of the laws of eighteen hundred and eighty-one, and the several acts amendatory thereof and supplementary thereto, and shall make reasonable inquiry and investigation to ascertain such corporations. Said clerk shall also draw all warrants upon the county treasurer which are ordered paid by the board of supervisors, and keep a record of the same in books, in the office of the clerk of the board of supervisors which record shall show the number of each warrant drawn, for what amount, and when drawn, and when ordered drawn by the board of supervisors, for what services rendered, or goods or materials furnished, and the department of the county for which such services were rendered, or goods or materials were furnished, and shall report to the board of supervisors at the first meeting in

Information to be furnished to clerk.

Report to supervisors.

Extension of taxes.

List of taxable corporations.

Drawing of warrant.

every month, the amount of all warrants drawn for each department for the month next preceding such meeting. The said clerk shall have the custody and be responsible for the safe keeping of all records, papers or other property in the office of the supervisors' clerk aforesaid, and of all books and records of his office.

Custody of records, etc. The said clerk may appoint for and after the year commencing January first, eighteen hundred and ninety-nine, a deputy clerk, who shall be paid by the county of Erie eight hundred dollars annually, said deputy to be confirmed by the board of supervisors.

Deputy after 1899. The said clerk shall after the year eighteen hundred and ninety-eight employ all necessary assistants for footing all assessment-rolls which may be prepared in the city and county for the extension of county and state taxes, and for extending on all said rolls all taxes which may be levied by the board of supervisors, and for making out all corporation, bonded indebtedness, and incorporated company reports that he is, or may be required to make to the state comptroller of the state of New York. The bills of the assistants for this work, shall be presented, and paid by the county of Erie, in the same manner as all other bills or claims against said county are presented and paid: But the board of supervisors shall not pay a sum to exceed nine hundred dollars in any one year for said work. Any expense incurred for this work exceeding this sum must be paid personally by the clerk of the board of supervisors. The said clerk shall employ all other assistants that may be necessary to discharge the duties of his office and be solely responsible to them for their compensation, and may discharge any or all assistants at his pleasure. The said clerk shall discharge all other duties which may be imposed upon him by any law of this state, or by the board of supervisors of the county of Erie or its committees in the exercise of lawful authority. The said clerk shall be paid by the county of Erie one thousand eight hundred dollars annually in full for all his services and disbursements, including the services of all assistants, except those above mentioned, whom he may engage in the discharge of said duties. The board of supervisors of the county of Erie shall make no other payments, or allowance for any clerk to said board or to any committee of said board, or to any person whomsoever for performing any service devolved upon the supervisors' clerk of said county, under this section or under any

Assistants in connection with tax roll.

Other assistants.

General duties.

Salary and disbursements.

other law of this state. The duties of the clerk of the board of supervisors for the year eighteen hundred and ninety-eight shall be the same as set forth in this act, and he shall receive a salary at the rate of two thousand eight hundred dollars per annum for the year eighteen hundred and ninety-eight, and he may appoint a deputy to be paid by the county of Erie a salary of five hundred dollars for the part of the year eighteen hundred and ninety-eight remaining after the passage of this act. The board of supervisors of the county of Erie shall make no other allowance for any clerk to said board or to any committee to said board for the year eighteen hundred and ninety-eight, or to any person whomsoever for performing any service devolved upon the supervisors clerk for the year eighteen hundred and ninety-eight under this section or any other law of this state, but the clerk for said year eighteen hundred and ninety-eight shall appoint and pay all assistants, except the said deputy, which may be necessary in the performance of his duties for the year eighteen hundred and ninety-eight. It shall be the duty of the clerk of the board to carefully preserve the rough minutes of each day's proceedings, also to carefully arrange and file all reports, and other papers belonging to the board, as required by statute. The clerk elect shall, before entering upon his duties as such clerk, execute to the county a bond in the penal sum of ten thousand dollars to be approved by the chairman of the board, together with the finance committee, for the faithful discharge of all duties imposed upon him by statute or the board, which bond shall, after being approved, be filed with the county treasurer. Such bond shall be discharged only by the board, and not until the chairman and the finance committee shall have certified to the board that all of the duties of the clerk have been fully performed, his accounts properly filed, and after his accounts and business have been fully examined and reported on as correct, by a committee of the succeeding board. Section four of said act of eighteen hundred and seventy-six, and eighteen hundred and seventy-nine are repealed.

Duties and salary for 1898.

Deputy.

Supervisors to make no other allowances.

Appointment and payment of assistants in 1898.

Preservation of rough minutes, etc.

Official bond.

Repeal.

§ 2. This act shall take effect immediately.

Chap. 488.

AN ACT to provide for indexing and reindexing conveyances, mortgages and other instruments relating to lands and liens thereon in the county of Westchester.

Became a law April 22, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Recording
and index-
ing of in-
struments.

Section 1. Every instrument affecting real estate or chattels real, situated in the county of Westchester, which shall be, or which shall have been recorded in the office of the register of said county on and after the first day of January, eighteen hundred and ninety-eight, shall be recorded and indexed pursuant to the provisions of this act.

Town and
city in-
dexes.

§ 2. The register of the county of Westchester is hereby directed and required, immediately upon the passage of this act, to cause to be prepared one or more books for each town or city in the said county of Westchester for the indexing therein, under the proper town or city so designated, of all instruments now required by law to be recorded in the books of conveyances. And said register shall also cause to be prepared one or more books for each of said towns or cities in said county for the indexing therein, under the proper town or city so designated, of all instruments now required by law to be recorded in the books of mortgages. Said indexes, shall be deposited in the office of said register. They shall be prepared so as to contain the names of the parties to each instrument, the date of recording the same, and the liber and page of the record thereof and shall be substantially the forms of the schedules hereto annexed, designated respectively as schedule A, schedule B, schedule C and schedule D, which schedules shall be deemed and taken to be a part of this act. Said books shall be entitled "town and city indexes of conveyances and mortgages" respectively, and shall indicate the towns and cities to which they respectively relate.

Entry of
satisfac-
tion of
mortgages.

Whenever there shall be filed with the said register satisfaction of any mortgage which shall have been indexed, as herein provided, the register shall as soon as practicable enter upon the index of such mortgage the date of the filing of the satisfaction of the same and the liber and page of the record thereof in the form shown for such entry in schedule B.

§ 3. It shall be the duty of the said register to provide and keep in his office, besides said town and city indexes, books to be entitled "the daily index, or tickler of conveyances," and a "daily index, or tickler of mortgages," together with books or records in which shall be recorded at length conveyances and mortgages recorded in his office, each of which shall be endorsed in its proper liber number.

Daily indexes or ticklers.

§ 4. Every instrument presented to said register for record, and requiring to be indexed under this act after the date when this act shall go into operation, in order to entitle the same to be recorded, shall have endorsed thereon to be recorded therewith a designation of the town or city in said county in which the land affected by the instrument lies, and if it lie in two or more towns or cities of said county the name of each and every town in which the land affected by the instrument is situated. Every assignment of a mortgage, and every agreement respecting a mortgage, to entitle the same to be recorded shall have endorsed thereon, to be recorded therewith, a designation of the town or city in said county in which the land lies which is affected by the mortgage to which such assignment or agreement relates, and if such land lies in two or more towns or cities of said county the name of each and every town in which the land affected by the mortgage to which such assignment or agreement relates. And a record of the instrument shall not be effectual by way of notice to bona fide purchasers or encumbrancers in respect to any land situated in any town or city of said county not so designated except as hereinafter provided.

Instruments to be endorsed.

Assignment of mortgages and agreements respecting.

§ 5. There shall be recorded with every instrument to be recorded under the provisions of this act, at the end thereof, a copy of the endorsement herein provided for, as follows:

Record of endorsements.

"The foregoing instrument was endorsed for record as follows: 'The property affected by this instrument is situate in the town of (city of) _____ in the county of Westchester, New York.'"

§ 6. Whenever any instrument affecting or relating to land in said county entitled to be recorded and required to be indexed under the provisions of this act shall be presented to the said register for record, he shall forthwith endorse thereupon the date, hour and minute of its receipt by him, and enter in the proper index or tickler the name of every party executing said instrument, the date of record thereof and the name of every town or city designated as aforesaid for the indexing of such instrument, and within ninety days thereafter shall cause the said instrument

Duty of register upon presentation of instruments.

to be indexed in the proper book or books of the town or city indexes under the proper town or city designated in which such property is situated.

Entries in
indexes
deemed
part of
record.

§ 7. The entries made in said indexes in conformity with the requirements of this act shall for the purpose of notice be deemed and taken to be a part of the record of the instrument to which such entries respectively refer and shall be notice to such subsequent purchasers or encumbrancers to the same extent and with the like effect as the recording of such instruments in the office of said register now is or may be notice.

Order and
sequence
of index-
ing.

§ 8. For the purposes of indexing under the provisions of this act all conveyances, mortgages or other instruments recorded and indexed or reindexed under the provisions of this act shall be so indexed or reindexed under the proper town or city book of index indicated in the endorsement hereinbefore provided for, and in an order and sequence known as the "first letter and first vowel method," as indicated in the schedules A, B, C and D hereto annexed and forming a part hereof.

Books for
new towns
or cities.

§ 9. Whenever, after the date upon which this act shall go into effect, any new town shall be created in said county, or any new city created in said county which, under its charter, shall make it separate and distinct from any town government then existing, then, and in that case, it shall be the duty of the said register of the county of Westchester to cause new books of index to be prepared for said new town or city, as herein provided for towns and cities already in existence in said county, and all provisions of this act relative to towns and cities now existing in said county shall refer to such new towns or cities and conveyances and mortgages and all instruments affecting the lands within their boundaries, the same as if they were in existence at the time when this act shall take effect.

Instru-
ments
errone-
ously in-
dexed.

§ 10. In cases where any instrument shall have been recorded without such designation as required by this act, or with erroneous designation, the said register shall, on presentation of proper proof thereof, enter such instrument in the proper index of the proper town or city, the designation of which shall have been erroneously stated, or omitted, and shall at the same time make a note of such entry and the date thereof, in every place in which such instrument may have been erroneously indexed, opposite the entry thereof, and also upon the record of the instrument and upon the instrument itself, if the same be in his possession or

produced to him for the purpose, and the record of such instrument shall be constructive notice as to the property in any town or city not duly designated at the time of such record, only from the time when the same shall be properly indexed.

§ 11. The present mode and method of indexing conveyances, mortgages and all other instruments entitled to be recorded in the office of the said register, shall also be continued from the first day of January, eighteen hundred and ninety-eight, down to and including the day when this act shall go into effect, or down to and including such period when said town or city index books, as hereinbefore provided, shall be prepared and made ready to receive the entries herein provided to be made, and for such additional service so rendered by such register the board of supervisors shall make such compensation as to them may seem proper.

Continuation of present mode of indexing.

§ 12. No entry in any book or index in said register's office shall be erased so as to be illegible, but in case of any correction the same shall be made without destroying the original by drawing a line through such original entry, and in all such cases the date of such correction, attested by the signature of the register or his deputy, shall be entered upon the same page on which such correction is made, on the margin opposite such correction.

Erasures and corrections on indexes.

§ 13. Any person presenting to said register an instrument for record, under this act, shall pay to said register, in addition to the fees now required by law for recording like instruments, the further sum of twenty-five cents for each additional town or city beyond one under which said instrument is required to be indexed, and the sum of one dollar for each town or city shall be payable whenever an instrument already recorded is required to be reindexed under section ten.

Additional fee.

§ 14. The provisions of this act shall not apply to the indexing of general assignments, wills, powers of attorney, executory contracts for sale or purchase of land or satisfaction of mortgages, but such instruments shall be filed or recorded as now required by law and when recorded they shall be indexed in separate alphabetical indexes.

Not applicable to indexing of certain papers.

§ 15. When the index books herein directed to be prepared shall be received by said register he shall first reindex therein all instruments then of record in his office, received, recorded or filed on or subsequent to the first day of January, one thousand eight hundred and ninety-eight and down unto the date when

Reindexing of instruments.

this act shall go into effect, under their proper town or city index book, as far as practicable, on the same general plan as entries are hereinbefore required to be made in the town and city index books in the office of said register for all conveyances and mortgages and other instruments which are recorded and filed, or shall be recorded and filed in the office of said register subsequent to the passage of this act.

Discretion
of register
in reindex-
ing.

§ 16. If, in the opinion of said register, it shall in particular cases be impracticable by reason of the uncertainty of descriptions to reindex some of the instruments by this act directed to be reindexed upon the plan heretofore mentioned, said register may in his discretion in such cases as to said instrument adopt and carry out another plan of reindexing which he shall think best in order to simplify reference to such instruments and indexes and their use as public records.

Clerical
help.

§ 17. For the purpose of carrying out the various provisions of this act the register may employ such necessary clerical help as may in his judgment be required.

Appropri-
ation to
carry out
act.

§ 18. The board of supervisors of said county are hereby authorized and directed to appropriate, for the purpose of carrying out the provisions of this act, all such sums of money as may be necessary therefor. In case the board of supervisors of said county of Westchester shall not be in session at the time when this act shall go into effect the county treasurer shall and he is hereby authorized and directed to borrow upon the credit of the county of Westchester such sums of money as may be necessary to carry out the provisions of this act until such board of supervisors shall themselves appropriate the necessary funds therefor.

Treasurer
may bor-
row
money.

Payment
to register.

And the county treasurer shall pay over such sums upon a proper requisition of the register, countersigned and approved by at least one member of the committee on county register of said board of supervisors.

Records
and in-
dexes de-
posited for
public use.

§ 19. The records and indexes herein provided to be made under the authority of this act shall be deposited in the office of the register of said county for public use and the same shall be public records.

Public act.

§ 20. This act shall be deemed and taken to be a public and not a private act.

Repeal.

§ 21. All acts and parts of acts, so far as the same are inconsistent with this present act, are hereby repealed.

§ 22. This act shall take effect immediately.

SCHEDULE A.

TOWN (OR CITY) OF.....

[illegible]

SCHEDULE C.

TOWN (OR CITY) OF.....

GRANTEES.	Grantors.	Date of recording.	CONVEYANCES.		Remarks.
			Liber.	Page.	
Hubbard, Charles.	John Smith				
Huber, Albert	Alex. Jeffrey				
Hughes, John. ...	Benjamin Klein .				
Hutchius, Walter .	John Logan				
Hutler, Peter	Edward Magill ..				

Chap. 489.

AN ACT to amend the fisheries, game and forest law, in relation to woodcock in the counties of Clinton, Essex and Warren.

Became a law April 22, 1898, with the approval of the Governor.

Passed, a majority being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Article four of chapter four hundred and eighty-eight of the laws of eighteen hundred and ninety-two, the title to which was amended by chapter three hundred and ninety-five of the laws of eighteen hundred and ninety-five to read "An act relating to game, fish and wild animals and to the forest preserve and Adirondack park, constituting chapter thirty-one of the general laws, and to be known as the fisheries, game and forest law," as amended by chapter nine hundred and seventy-four of the laws of eighteen hundred and ninety-five, is hereby amended by adding after section number seventy-five another section to be known as section number seventy-five-a, to read as follows:

§ 75a. Woodcock; close season in the counties of Clinton, Essex and Warren. Woodcock shall not be pursued, shot at, hunted, caught, killed or possessed, except from the sixteenth day of August to the fifteenth day of December, both inclusive, in the counties of Clinton, Essex and Warren. Whoever shall violate or attempt to violate the provisions of this section, shall be deemed guilty of misdemeanor, and in addition thereto shall be liable to a penalty of twenty-five dollars for each bird caught, killed, or possessed contrary to the provisions of this section.

§ 2. All acts and parts of acts, so far as they are inconsistent with the provisions of this act, are hereby repealed.

§ 3. This act shall take effect immediately.

Chap. 490.

AN ACT authorizing the city of Lockport to raise money for fire, highway and street lighting purposes.

Accepted by the city.

Became a law April 22, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. For the year eighteen hundred and ninety-eight, the common council of the city of Lockport is hereby authorized to

Issue and
sale of
bonds.

borrow the sum of eight thousand seven hundred dollars for fire, highway and street lighting purposes and may issue its bonds for the same. Said bonds shall bear interest at not to exceed four per centum per annum payable semi-annually, and shall not be sold at less than par. Said bonds shall be signed by the mayor and countersigned by the city clerk of said city, and be sealed with the city seal, and the principal and interest thereof shall be payable at the office of the city treasurer of said city, or at such other place as the common council thereof shall designate. The city treasurer shall invite sealed proposals for said bonds at public advertisement for not less than ten days and shall award the same to the highest bidder or bidders therefor, provided that no proposals for said bonds shall be accepted for less than the par value of the same. One-sixth of the amount of the principal of the bonds so issued shall become due and payable one year after the date of issue and one-sixth of the principal thereof each and every year thereafter, until said bonds shall be fully paid. The common council of said city is hereby authorized to raise by general tax levy in each and every year after the passage of this act, the amount of principal and interest of said bonds due in such year, or it may direct that said principal and interest be paid from the general fund. The moneys received from the sale of said bonds shall be placed by the city treasurer to the credit of the following funds, namely: Twelve hundred dollars thereof to the credit of the "fire fund;" three thousand dollars thereof to the credit of the "highway fund;" four thousand five hundred dollars thereof to the credit of the "street lighting fund;" and the surplus, if any, to the credit of the "general fund."

Tax for interest and principal.

Proceeds of sale.

§ 2. This act shall take effect immediately.

Chap. 491.

AN ACT to amend chapter three hundred and thirty-eight, laws of eighteen hundred and ninety-three, entitled "An act in relation to agriculture, constituting articles one, two, three, four and five of chapter thirty-three of the general laws," in relation to sale and transportation of calves.

Became a law April 22, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Agricultural law amended.

Section 1. Chapter three hundred and thirty-eight, laws of eighteen hundred and ninety-three, entitled "An act in relation to

agriculture, constituting articles one, two, three, four, five, six and seven of chapter thirty-three of the general laws," is hereby amended by adding the following sections, to be known as section seventy-one, seventy-two and seventy-three.

§ 71. No person shall slaughter, for the purpose of selling the same for food, or expose for sale or sell within this state, or bring or cause to be brought into any city, town or village within this state for food any calf or carcass of the same, or any part thereof except the hide, unless it is in good, healthy condition, and was at least four weeks of age at the time of killing. Any person or persons duly authorized by the commissioner of agriculture, may examine any calf or veal found within this state offered or exposed for sale, or kept with intent to sell as food, and if, such calf is under four weeks of age, or the veal is from a calf killed under four weeks of age, or from a calf in an unhealthy condition when so killed, he may seize the same and cause it to be destroyed or disposed of in such manner as to make it impossible to be thereafter used as food.

Sale of certain calves or carcasses prohibited.

Examination and seizure.

§ 72. On and after the passage of this act it shall be unlawful for any corporation, partnership, person or persons to ship to or from any part of this state any carcass or carcasses of a calf or calves or any part of such carcass except the hide, unless they shall attach to every carcass or part thereof so shipped in a conspicuous place a tag, that shall stay thereon during such transportation, stating the name or names of the person or persons who raised the calf, the name of the shipper, the points of shipping and the destination and the age of the calf.

Transportation of calves or carcasses without tag, prohibited.

§ 73. On and after the passage of this act, no railroad company, express company, steamboat company, or other common carrier, shall carry or receive for transportation any carcass or carcasses of calves, or any part of the same except the hide, unless the said carcass or carcasses or parts thereof shall be tagged as herein provided.

Receiving for transportation without tag, prohibited.

§ 2. This act shall take effect immediately.

Chap. 492.

AN ACT to amend chapter sixty-four of the laws of eighteen hundred and ninety-one, entitled "An act to make the office of county clerk of the county of Madison a salaried office, and regulating the management of said office."

Became a law April 22, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Act
amended.

Section 1. Section one of chapter sixty-four of the laws of eighteen hundred and ninety-one, entitled "An act to make the office of clerk of Madison county a salaried office, and regulating the management of said office," is hereby amended so as to read as follows:

Annual
salary of
sheriff.

§ 1. The clerk of the county of Madison next elected and thereafter to be elected, shall receive as compensation for his services an annual salary to be fixed by the board of supervisors of said county prior to the beginning of the term of every such clerk. The salary so fixed shall not exceed eighteen hundred dollars per annum, and shall not be increased or diminished during the term for which such clerk shall have been elected.

§ 2. Section eight of said act is hereby amended so as to read as follows:

Deputies
and assist-
ants.

§ 8. There shall be one deputy clerk and the said board of supervisors shall have power to designate the number of special deputy clerks, and said county clerk shall appoint such deputy and such number of special deputies as may be designated by said board; and also as many assistants as may be necessary for a prompt and faithful discharge of the duties of his said office, and shall be responsible for their official acts, and the salaries of said clerk, deputies and assistants shall be paid in the same manner as the salaries of other county officers are paid. The salary of the deputy clerk shall not exceed twelve hundred dollars per annum; and the salaries of the special deputies designated as hereinbefore provided, shall not exceed eight hundred dollars per annum, and the board of supervisors may determine the number of assistants and fix their salary or compensation. The certificate to each abstract of title to an incumbrance on real property shall be signed in the name and under

Salaries.

Certifi-
cate: to
abstracts
of title,
how
signed.

the seal of the county of Madison by the abstract or search clerk making the same.

§ 3. Section ten of said act is hereby repealed.

Repeal.

§ 4. This act shall take effect immediately.

Chap. 493.

AN ACT to relieve Charles S. Harrison, who was elected a justice of the peace of the town of Woodhull, Steuben county, on the twenty-second day of February, eighteen hundred and ninety-eight, from any liability or forfeiture by reason of failure to file a statement of election expenses within the time required by law.

Became a law April 22, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The itemized statement of election expenses required by section forty-one-x of the penal code, as amended by chapter seven hundred and fourteen of the laws of eighteen hundred and ninety-four, of Charles S. Harrison, who was elected a justice of the peace of the town of Woodhull, Steuben county, on the twenty-second day of February, eighteen hundred and ninety-eight, heretofore filed in the town clerk's office of such town, shall be of the same force and effect as though such statement had been filed within ten days after such election, and no liability or forfeiture shall be deemed to have been incurred by reason of the failure to file such certificate within such ten days.

Filing of
statement
of election
expenses
legalized.

§ 2. This act shall take effect immediately.

Chap. 494.

AN ACT to amend chapter three hundred and thirty-eight of the laws of eighteen hundred and ninety-three, entitled "An act in relation to agriculture, constituting articles one, two, three, four and five, of chapter thirty-three of the general laws," relative to distribution of moneys to agricultural societies.

Became a law April 22, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section eighty-eight of chapter three hundred and thirty-eight of the laws of eighteen hundred and ninety-three, as

amended by chapter five hundred and eighty-nine, of the laws of eighteen hundred ninety-seven, is hereby amended so as to read as follows:

§ 88. Receipts and apportionment of moneys for the promotion of agriculture. Of all moneys appropriated for the promotion of agriculture in any one year, twenty thousand dollars thereof shall be distributed in premiums by the New York State Agricultural Society; two thousand dollars thereof shall be paid to each of the agricultural societies, agricultural clubs, or agricultural expositions which shall have held annual agricultural fairs or meetings during each of the three years next preceding such appropriation, and which shall have paid at each of such annual fairs or meetings during such three years the sum of three thousand dollars as premiums for agricultural interests, exclusive of the premiums paid for trials or tests of speed, skill or endurance by man or beast, under the conditions and in the manner provided by section eighty-nine of this chapter. Seventy per centum of the balance of the amount so appropriated shall be apportioned and distributed among the various county agricultural societies and the American Institute in The City of New York; and thirty per centum thereof among the various towns and other agricultural societies, agricultural clubs or agricultural expositions entitled by this section to receive thirty per centum of the moneys received by the comptroller from the tax collected from the racing associations, corporations or clubs of the state. Such apportionment and distribution shall be made by the commissioner of agriculture in the following manner: One-half of the seventy per centum to be apportioned to such county agricultural societies and the American Institute in The City of New York shall be apportioned and distributed equally and the remainder in proportion to the actual premiums paid during the previous year by such societies and institute, exclusive of premiums paid for trials or tests of speed, skill or endurance of man or beast. If there is no county agricultural society in any county, or if the county agricultural society is not in active operation as such, then the town society or societies in such county, or other agricultural societies in such county, except the New York State Agricultural Society, that would otherwise be entitled to share under the thirty per centum distribution referred to in this section, shall share jointly in the distribution of such money on the same basis as they would if they were a county agricultural society,

provided such societies sustain a public fair with premium list, which premium list and reports of such societies shall be forwarded and made to the commissioner of agriculture. Of the thirty per centum to be distributed among the various town and other agricultural societies, clubs or expositions one-third thereof shall be apportioned and distributed equally and the remainder in proportion to the premiums awarded and paid by said society, club or exposition for exhibits made at the annual fair upon the awards or premiums of which they seek a portion of the money to be distributed, exclusive of premiums paid for trials or tests of speed, skill or endurance of man or beast. No proportion of such amount shall be paid to any such society, club or exposition in which the actual amount paid by it as such premiums in the year preceding such apportionment, is less than five hundred dollars. All revenues which have been or shall be received by the comptroller, and not distributed as heretofore provided, and all moneys received by him from the tax collected from racing associations pursuant to chapter one hundred and ninety-seven of the laws of eighteen hundred and ninety-four, and chapter five hundred and seventy of the laws of eighteen hundred and ninety-five, and all acts amendatory thereto, or hereafter otherwise collected from racing associations, corporations or clubs, shall constitute a fund, which shall be annually disbursed on behalf of the state for prizes for improving the breed of cattle, sheep and horses at the various fairs throughout the state as hereinafter prescribed. Thirty per centum of the funds so collected shall be disbursed by the commissioner of agriculture among the agricultural societies, agricultural clubs or agricultural expositions of the state, which had not, previous to May twenty-ninth, eighteen hundred and ninety-five, received appropriations from the state, other than appropriations that they received from the fund to be distributed to county societies from the fact that there was no county society in existence or in active operation within that county, as follows: One-third shall be apportioned and distributed equally and the remainder in proportion to the premiums awarded and paid by said society, club or exposition for exhibits made at the annual fairs upon the awards or premiums of which they seek a portion of the money to be distributed, such sums shall only be paid to such societies which have received appropriations from the

state previous to the passage of this act, and are now duly organized under the laws of the state of New York, and in active operation in counties having a population according to the census of eighteen hundred and ninety-two of over three hundred and twenty-five thousand inhabitants, or which shall have held fairs, annually, during each of the three years prior to May twenty-ninth, eighteen hundred and ninety-five, and which shall have paid, at their annual meetings or fairs during such three years, not less than one thousand dollars in the aggregate as premiums for agriculture, mechanical, and domestic products, exclusive of the premiums paid for trials or tests of speed, skill or endurance of man or beast, and which shall have filed their report with the commissioner of agriculture, on or before July first, eighteen hundred and ninety-five, as heretofore provided in chapter eight hundred and twenty of the laws of eighteen hundred and ninety-five. Seventy per centum of such funds shall be disbursed by the commissioner of agriculture among the various county agricultural societies throughout the state, and the American Institute, in The City of New York, as follows: One-half shall be apportioned and distributed equally, and the remainder in proportion to the premiums awarded and paid by said society, club or exposition, for exhibits made at the annual fair upon the awards or premiums of which they seek a portion of the money to be distributed, exclusive of premiums paid for trials or tests of speed, skill or endurance of man or beast. If there is no county agricultural society in any county, or if the county agricultural society is not in active operation as such, then the town society or societies in such county, or other agricultural societies in such county, except the New York State Agricultural Society, that would otherwise be entitled to share under the thirty per centum distribution referred to in this section, shall share jointly in the distribution of such money on the same basis as they would if they were a county agricultural society, provided such societies sustain a public fair, with premium list and reports of such societies shall be forwarded and made to the commissioner of agriculture. All agricultural societies, agricultural clubs or agricultural expositions entitled to receive any portion of the moneys appropriated by the state must hereafter, on or before the fifteenth day of December, in each year, file a statement, duly verified by the secretary and treasurer, showing the amount

of premiums paid at the last annual fair, exclusive of premiums paid for trials or tests of speed, skill or endurance of man or beast, which statement shall be filed in the office of the commissioner of agriculture, otherwise such society, club or exposition shall forfeit its right to participate in the distribution of such moneys for premiums paid for such year. No proportion of such moneys shall be paid to any such society, club or exposition in which the actual amount paid by it as such premiums in the year preceding such apportionment, is less than five hundred dollars. Any town or other agricultural society in a county in which there is no county agricultural society in active operation and which, according to the terms of this section receives any portion of the seventy per centum of such funds apportioned to county agricultural societies, shall not receive any portion of the thirty per centum of such funds. Any such society, club or exposition, receiving the sum of two thousand dollars under the provisions of section eighty-nine of this act, shall not receive any other portion of the money appropriated for the promotion of agriculture. Any such agricultural society, agricultural club, agricultural exposition, or agricultural fair association, organized under the laws of the state of New York, which shall fail or neglect to hold annual fairs and file their annual reports as provided by this law, with the commissioner of agriculture for two consecutive years, shall forfeit all of their chartered rights, including any privileges or moneys they might thereafter otherwise be entitled to under this act.

§ 2. This act shall take effect immediately.

Chap. 495.

AN ACT to extend the time for the commencement of construction or the completion of railroads that have been placed in the hands of receivers by the supreme court.

Became a law April 22, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. All railroad corporations that have been organized under the laws of this state, and have been placed in the hands of a receiver or receivers by the supreme court of this state, and that are now in the hands of such receiver or receivers, are hereby

Extension
of time for
completion
of rail-
roads.

Powers and
rights not
impaired.

granted five years from and after the passage of this act within which to complete their said roads, and the charter or charters of such companies shall not be deemed or taken as forfeited by their failure to complete their said roads within the time originally limited in the general laws of this state for the completion of such roads. And the said companies are hereby authorized to proceed and build their said roads and complete the same within five years after the passage of this act, and the corporate powers and rights shall not be deemed or held to have ceased by reason of lapse of time or by reason of the appointment of such a receiver or receivers.

§ 2. This act shall take effect immediately.

Chap. 496.

AN ACT to amend chapter nine hundred and eighty-six of the laws of eighteen hundred and ninety-six, entitled "An act to incorporate the Patent and Copyright Protective Association of New York."

Became a law April 22, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Charter
amended.

Section 1. Section two of chapter nine hundred and eighty-six of the laws of eighteen hundred and ninety-six, entitled "An act to incorporate the Patent and Copyright Protective Association of New York," is hereby amended so as to read as follows:

Capital
stock.

§ 2. The capital stock of said corporation shall be one million dollars and the same may be increased from time to time, if the majority in interest of the stockholders of said corporation shall so determine, to a sum not exceeding five millions of dollars. Such capital shall be divided into shares of one hundred dollars each, and shall be deemed personal property, and shall be transferable in such manner as shall be prescribed by the by-laws of said corporation. Said corporation may have common and preferred stock and different classes of the latter and may organize and commence business whenever one hundred thousand dollars of its capital stock shall have been paid in cash, and the whole of such capital stock shall be paid within four years from the passage of this act.

§ 2. This act shall take effect immediately.

Chap. 497.

AN ACT to amend chapter four hundred and thirty-nine of the laws of eighteen hundred and ninety-seven, entitled "An act to provide for the holding of annual town meetings and elections in the towns in the counties of Rockland, Orange and Sullivan."

Became a law April 22, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Chapter four hundred and thirty-nine of the laws of ^{Act amended.} eighteen hundred and ninety-seven, entitled "An act to provide for the holding of annual town meetings and elections in the towns in the counties of Rockland, Orange and Sullivan," is hereby amended to read as follows:

§ 1. The town meetings and elections of the towns in the counties of Rockland, Orange and Sullivan shall be held on the first Tuesday after the first Monday in November in the years of eighteen hundred and ninety-eight and eighteen hundred and ninety-nine and biennially thereafter at the same places as general elections in such towns are held. Such town meetings and elections shall be open for the purpose of voting for the same length of time as the polls are kept open upon election day for the purpose of voting for candidates to be elected at such general election. No person shall be entitled to vote at any such town meeting unless he is registered and entitled to vote at a general election. ^{Town meetings and elections, when held.}

§ 2. The town meetings and elections in such towns shall hereafter be held in the several election districts, to be conducted by the inspectors of election thereof. Certificates of nominations of candidates for town offices in such towns shall be filed with the town clerks thereof, if party nominations, at least fifteen and not more than twenty days, and if independent nominations at least ten and not more than twenty days before the election for which the nominations are made. The names of the candidates for town offices in such towns shall be printed upon separate ballots, prepared by the town clerk thereof in the manner prescribed by the election law, when town meetings or elections are held at different times from a general election. Separate ballot boxes shall be provided for the reception of town ^{Where held and how conducted.} ^{Certificates of nominations.} ^{Ballots and ballot-boxes.}

Election
law appli-
cable.

ballots and shall be conspicuously marked so as to readily show that they are for the reception of such ballots. All the provisions of the election law which apply when town meetings or elections are held at different times than general elections, are applicable to the holding of town meetings in such counties, unless otherwise contained in this act or inconsistent with its provisions.

Canvass
of votes.

§ 3. At the close of the polls at any annual town meeting, and election in such towns, the inspectors shall proceed to canvass the votes for the candidates for the several town offices and for and against all town propositions duly submitted to the voters of such town in the election districts where such meeting was held, in the same manner as the votes for other candidates and

Statement
of result.

propositions cast at the general election are canvassed. They shall make a full and true statement of the whole number of votes cast for each of the town officers balloted for, and of the whole number of votes for and against every question or proposition voted upon at such town meeting. Such statement shall be in the same form as statements made by such inspectors of the votes cast for the other candidates voted for at such election,

Delivery to
justices of
peace.

and shall be signed by the inspectors and delivered by one of their number, selected by them for that purpose, to the justices of the peace and town clerk of the town who shall convene and receive the same at the office of the town clerk on the second day next following the town meeting at ten o'clock in the forenoon. All void, rejected and defective ballots used at any town meeting held under the provisions of this act shall be transmitted to such justices and town clerk at the time of delivering such

Recanvass
by justices
and clerk.

statement. Such justices and clerk shall immediately recanvass such votes upon the statement so made and delivered by the inspectors of the several election districts. They shall thereupon

Additional
inspectors.

appoint in writing, the additional inspectors of election as required by law. The town clerk shall enter in his record a state-

Record of
canvass.

ment of the number of votes cast for each candidate, and for and against all town propositions duly submitted to the voters of such town in the several districts in his town, and declare in such record the propositions shown to be adopted, and the officers shown to be elected by such statement, or appointed as herein prescribed. Such record shall be signed by him and the justices acting as such canvassers.

Election of
town
officers in
1898.

§ 4. All the town officers of such towns which, except for this act, would be elected at the annual town meetings in the spring

of eighteen hundred and ninety-eight, shall be elected at the annual town meetings held on the first Tuesday after the first Monday of November, eighteen hundred and ninety-seven, and all the town officers which, except for this act, would be elected at the annual town meetings in the spring of eighteen hundred and ninety-nine, shall be elected at the annual town meetings held on the first Tuesday after the first Monday of November, eighteen hundred and ninety-eight. The term of office of the town officers so elected shall begin on the first day of January, eighteen hundred and ninety-eight, and the first day of January, eighteen hundred and ninety-nine, respectively, and the term of office of their predecessors shall thereupon cease and terminate. The term of office of the supervisor, town clerk and commissioner of highways in towns having but one commissioner, elected at the town meeting held in each town in such counties at the time of the general election in the year eighteen hundred and ninety-seven, shall expire on the thirty-first day of December, eighteen hundred and ninety-nine. The term of office of the collector, overseer of the poor, the constables and inspectors of election of each of such towns, elected at such time, shall expire on the thirty-first day of December, eighteen hundred and ninety-eight. At the town meetings to be held in such towns at the time of the general election in the year eighteen hundred and ninety-eight, there shall be elected one collector, one or two overseer of the poor, not more than five constables and two inspectors of election for each election district, for terms of one year beginning on the first day of January, eighteen hundred and ninety-nine. At the town meetings to be held in such towns at the time of the general election in the year eighteen hundred and ninety-nine, there shall be elected one supervisor, one town clerk, one collector, one highway commissioner in towns having but one such commissioner, one or two overseer of the poor, not more than five constables and two inspectors of election for each election district for terms of two years each, beginning on the first day of January, nineteen hundred. At the biennial town meetings to be thereafter held in such towns in the odd numbered years, all of such officers shall be elected and shall hold office for the terms of two years beginning on the first day of January succeeding their election. The collectors elected at such town meetings shall enter on the dis-

Term of
office.

Officers to
be elected
in 1898 and
1899.

Election of
officers at
biennial
meetings
thereafter.

charge of their duties after their predecessors shall have completed the duties of their offices in respect to the collection of taxes and the return thereof as now prescribed by law.

Election
and term
of justices
of peace.

§ 5. The justice of the peace in any town in such counties who was elected at the town meetings held therein at the time of the general election in the year eighteen hundred and ninety-seven, if a justice was elected in any such town at that time, shall assume the duties of his office on the first day of January, eighteen hundred and ninety-nine. At the town meetings to be held in such towns at the time of the general election in the year eighteen hundred and ninety-eight, no justice of the peace shall be elected, except to fill a vacancy caused by removal, resignation or death. But if no justice was elected in any such town in the fall of eighteen hundred and ninety-seven, a justice of the peace may be elected therein at the time of the general election in the year eighteen hundred and ninety-eight for a term of four years, beginning on the first day of January, eighteen hundred and ninety-nine. At the town meetings to be held in such towns at the time of the general election in the year eighteen hundred and ninety-nine, two justices of the peace shall be elected for terms of four years, beginning on the first day of January, nineteen hundred, and at each biennial town meeting thereafter there shall be elected two justices of the peace for a like term, beginning on the succeeding first day of January. The terms of office

Term of
assessors.

of the assessors in such towns elected at the town meetings held therein in the spring, and at the time of the general election in the year eighteen hundred and ninety-seven, shall expire on the thirty-first day of December, eighteen hundred and ninety-nine. The term of office of the assessor to be elected at the town meeting in such towns at the time of the general election in the year eighteen hundred and ninety-eight, shall expire on the thirty-first day of December, eighteen hundred and ninety-nine. At the town meeting to be held at the time of the general election in the year eighteen hundred and ninety-nine and biennially thereafter, three assessors shall be elected for terms of two years, beginning on the succeeding first day of January. In towns in such counties having three commissioners of highways, the terms of office of such commissioners elected at the town meetings held in such towns in the spring and at the time of the general election in the year eighteen hundred and ninety-seven, shall expire on the

Commis-
sioners of
highways.

thirty-first day of December, eighteen hundred and ninety-nine. The term of office of the commissioner of highways to be elected at the town meetings in such towns at the time of the general election, in the year eighteen hundred and ninety-eight, shall expire on the thirty-first day of December, eighteen hundred and ninety-nine. At the town meetings to be held in such towns at the time of the general election in the year eighteen hundred and ninety-nine and biennially thereafter, three commissioners shall be elected for terms of two years, beginning on the succeeding first day of January.

§ 6. The supervisor in each of such towns shall, on the last Tuesday of December in each year, account with the justices of the peace and town clerk of the town for the disbursements of all moneys received by him. The town board in each of such towns shall meet on the last Tuesday of December in each year for the purpose of receiving the accounts of town officers. The provisions of section one hundred and sixty-one of the town law relating to the first meeting of the town board shall apply to the meeting so held in such towns for the receiving of accounts of town officers.

Account-
ing of
super-
visor.

Meeting of
town
board.

§ 7. The questions relating to the sale of liquors in the several towns in the counties of Sullivan, Orange and Rockland, as prescribed in section sixteen of the liquor tax law, shall be submitted to the voters of such towns at the general election in the year eighteen hundred and ninety-eight, and the liquor tax certificate shall be issued in such towns pursuant to the vote upon such questions, as now provided by the liquor tax law. Such questions may be again submitted in such towns, at the town meetings to be held at the time of the general election in the year nineteen hundred and one, and biennially thereafter and liquor tax certificates shall be issued pursuant to the vote upon the questions so submitted, as provided by the liquor tax law.

Submis-
sion of
question.
as to sale
of liquor.

§ 2. This act shall take effect immediately.

Chap. 498.

AN ACT to amend chapter seven of the laws of eighteen hundred and forty-six, entitled "An act in relation to common schools in the city of Utica."

Accepted by the city.

Became a law April 22, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

School act amended.

Section 1. Section one of chapter seven of the laws of eighteen hundred and forty-six, as amended by chapter six hundred and sixty-six of the laws of eighteen hundred and seventy-three, is hereby amended so as to read as follows:

Report of necessity of school buildings and improvements.

§ 1. When the board of commissioners of common schools of the city of Utica shall be of opinion that it is necessary to erect one or more new schoolhouses, or to enlarge, or to complete or to furnish, or to make extraordinary repairs upon any one or more schoolhouses, or to purchase land for school purposes, it shall be their duty to state such necessity, with the reasons therefor, in a special written report to be made to the common council of said city, which report shall be filed with the city clerk not later than two months prior to the general election in said city, together with a detailed statement and estimate of the expense of such erection, enlargement, furnishing, completion, extraordinary repairs or purchase, but this act shall not be construed as preventing said board from using for the aforesaid purposes any of its funds properly applicable thereto by law in addition to the funds provided for by this act.

Detailed statement and estimate.

§ 2. Section two of said act, as amended by chapter six hundred and sixty-six of the laws of eighteen hundred and seventy-three, is hereby amended so as to read as follows:

Submission of questions to electors.

§ 2. At the general election held in said city next after the filing of said report, the election officers of said city shall submit the question or questions so reported by said board to the electors of said city in accordance with the provisions of the general election law for submitting questions to the electors of the state or of any district thereof, and if the said board shall have reported more than one of said questions, they shall be separately submitted to said electors.

§ 3. Section three of said act as amended by chapter six hundred and sixty-six of the laws of eighteen hundred and seventy-three, is hereby amended to read as follows:

§ 3. If the number of ballots in favor of any proposition so submitted exceed the number of ballots against the same, it shall be the duty of the common council, in addition to the moneys which they are otherwise authorized by law to raise by tax in the said city, to raise in the same manner that moneys are now raised for the ordinary expenses thereof, either in the ensuing year or in one, two or three successive years as they shall elect, such sum or sums of money as the board of school commissioners in their said report or reports and detailed statement or statements shall have estimated to be necessary for the erection, enlargement, furnishing, completion, improvement or extraordinary repair of any schoolhouse or schoolhouses and for the purchase of land for school purposes, and for no other purpose whatever.

Tax upon favorable vote.

§ 4. This act shall take effect immediately.

Chap. 499.

AN ACT to amend chapter nine hundred and forty-one of the laws of eighteen hundred and ninety-six, entitled "An act to incorporate the Inter-State Mortgage Debenture Company," and to repeal certain sections thereof.

Became a law April 22, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section five of chapter nine hundred and forty-one of the laws of eighteen hundred and ninety-six, entitled "An act to incorporate the Inter-State Mortgage Debenture Company," is hereby amended so as to read as follows:

Charter amended.

§ 5. Said company may loan money for itself or as agent for others, upon real estate or other security; may buy, hold, sell, pledge and otherwise deal with stocks, bonds, mortgages and other property for itself or as agents for others; may accept and execute any trust or agency in relation to its business not contrary to law; may guarantee payment of obligations sold by it or payment of dividends upon stock sold by it; may receive money on deposit, issue, for money or property received by it, its

Powers of company.

notes, bonds, debentures or other obligations, unsecured, or secured by mortgage, pledge or hypothecation of any of its assets, or by delivery or transfer thereof to a trustee or trustees; and may establish agencies for the transaction of its business; and any of its powers may be exercised in any of the states or territories of the United States or elsewhere, to such extent as its board of directors may determine.

Repeal.

§ 2. Sections six and nine of said act are hereby repealed.

§ 3. Section twelve of said act is hereby amended so as to read as follows:

Proviso as to right, etc., granted.

§ 12. The rights, powers and privileges herein granted to said corporation, in so far as they may be deemed to be variations of the general law of the state, are not to be controlled or limited thereby; provided that the said corporation shall have in addition to the powers herein conferred the rights, powers and privileges of a corporation organized under article four of chapter six hundred and eighty-nine of the laws of eighteen hundred and ninety-two.

Additional powers, etc.

§ 4. This act shall take effect immediately.

Chap. 500.

AN ACT to legalize and confirm the official acts of a notary public.

Became a law April 22, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Official acts legalized.

Section 1. The official acts of James H. Pierce, as notary public in and for the county of Essex, performed by him in good faith in said county since the first day of January, eighteen hundred and ninety-seven, and also such acts as have been performed by the said James H. Pierce as notary public in the county of Franklin since the first day of January, eighteen hundred and ninety-seven, so far as such acts may be affected, impaired or questioned, by reason of the expiration of his term of office in the county of Essex, or by reason of his failure to file a certified copy of his appointment as notary public in and for the county of Essex, together with the certificate of the clerk of the county of Essex and the autograph signature of the said James H. Pierce in

the office of the clerk of the county of Franklin, are hereby legalized and confirmed and made as effectual and valid as if the said James H. Pierce had been duly and legally appointed and legally qualified as a notary public in and for the county of Essex, and had filed a certified copy of the appointment of said James H. Pierce as notary public in and for the county of Essex, together with the certificate of the clerk of the county of Essex and the autograph signature of the said James H. Pierce in the office of the clerk of the county of Franklin. Nothing herein contained ^{Proviso} shall affect any action or proceeding now pending.

§ 2. This act shall take effect immediately.

Chap. 501.

AN ACT to legalize the adoption of Annie Grace Smock, whose maiden name was Annie Grace Payne, by Townsend D. Cock and Jane D., his wife.

Became a law April 22, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The adoption of Annie Grace Smock, whose maiden name was Grace Payne, by Townsend D. Cock and Jane D., his wife, of the town of Oyster Bay, in the county of Queens, under the name of Annie Grace Cock, is hereby legalized and declared to be of the same force and effect as if said adoption had been made under and in conformity with the provisions of chapter eight hundred and thirty of the laws of eighteen hundred and seventy-three, and the various acts amendatory thereof. ^{Adoption legalized.}

§ 2. This act shall take effect immediately, and shall relate back to February, eighteen hundred and seventy-five, the date of the said adoption. ^{When takes effect.}

Chap. 502.

AN ACT to amend the town law, in relation to the election and powers of trustees of burial grounds.

Became a law April 22, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one hundred and ninety-three of chapter five hundred and sixty-nine of the laws of eighteen hundred and ninety, entitled "An act in relation to towns, constituting chapter twenty of the general laws," as amended by chapter four hundred and eighteen of the laws of eighteen hundred and ninety-four, is hereby amended to read as follows:

§ 193. Electors may choose trustees of burial grounds. The electors of any town may, at an annual town meeting, choose three persons to act as a board of trustees of any burial grounds within the limits of and belonging to the town, as such electors may designate, and direct the supervisor of the town to convey by deed to such board of trustees, and their successors in office, for the purposes hereinafter mentioned, the lands already composing such grounds; and also any other lands that may be hereafter acquired for the purpose of enlarging such grounds. Such trustees shall hold office for a term of two years. Such boards of trustees and all boards of trustees heretofore created, pursuant to chapter forty-six of the laws of eighteen hundred and seventy-three, are hereby declared to be corporate bodies, under the name of the board of trustees of the cemetery, for which they are chosen respectively, capable of suing and being sued as such, and of taking and holding gifts and bequests of personal property for the care and improvement of the cemeteries under their charge, or any lot therein. The terms of office of the trustees of the burial grounds in any town chosen pursuant to this section or chapter forty-six of the laws of eighteen hundred and seventy-three shall expire at the annual town meeting held in such town in the year eighteen hundred and ninety-nine, and at such annual town meeting, and at the annual town meeting held in such town every second year thereafter, the electors thereof shall elect a board of three trustees of the burial grounds within the limits of and belonging to the town.

§ 2. Section one hundred and ninety-four of such act is hereby amended to read as follows:

§ 194. Trustees to lay out ground. Such board of trustees shall lay out into burial lots any grounds so conveyed to them; and within one year after the conveyance to them they shall cause to be recorded in the office of the clerk of the county in which they reside a plot or plots of the ground so laid out by them, which shall clearly indicate the number and location of the several lots, which plots shall be duly certified to, under the hands and seals of the chairman and secretary of the board, and acknowledged before an officer authorized to take proof and acknowledgment of deeds. They shall designate and set aside certain lots which shall be free for the interment of the remains of indigent persons, deceased, and shall sell and convey, by direction of a majority of the board, under the hands and seals of its chairman and secretary, burial lots, at such terms as may be agreed upon between the parties, and expend the moneys realized from such sale in improving and preserving the particular burial ground from the sale of whose lots the moneys were received. All moneys realized from the sale of burial lots shall, upon the receipt thereof, be paid over to the supervisor of the town to be retained by him as a separate fund and paid out only on the order of a majority of such board of trustees.

§ 3. This act shall take effect immediately.

Chap. 503.

AN ACT to change the name of the "Brooklyn Throat Hospital."

Became a law April 22, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The name of the Brooklyn Throat Hospital, a charitable corporation, organized under chapter three hundred and nineteen of the laws of eighteen hundred and forty-eight, entitled "An act for the incorporation of benevolent, charitable, scientific and missionary societies" and the acts amendatory thereof, the certificate of incorporation of which was filed in the office of the secretary of state on the twenty-sixth day of April, eighteen hundred and eighty-nine, is hereby changed to the

Change of
name.

Rights,
powers,
etc.

"Williamsburgh Hospital" and, as such, shall enjoy and exercise all the rights and powers that it has heretofore possessed and be subject to the same liabilities, obligations and duties as if this act had not been passed, including the rights and powers, liabilities, obligations and duties appertaining to said Brooklyn Throat Hospital, under the provisions of chapter three hundred and seventy-eight, laws of eighteen hundred and ninety-seven, being the Greater New York charter. In addition to the powers already possessed by such corporation, it may furnish medical and surgical treatment for all diseases.

§ 2. This act shall take effect immediately.

Chap. 504.

AN ACT making an appropriation for the construction of a bridge over the Erie canal, at Main street, in the village of Pittsford.

Became a law April 25, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Construc-
tion of
bridge.

Section 1. The superintendent of public works is hereby directed to cause a bridge to be built over the Erie canal at Main street in the village of Pittsford, in accordance with plans and specifications to be prepared therefor by the state engineer and surveyor.

Appropriation.

§ 2. The sum of nineteen thousand dollars, or so much thereof as may be necessary, is hereby appropriated from any money in the treasury not otherwise appropriated, for the purposes of this act, and the treasurer is hereby directed to pay said sum on the warrant of the comptroller, to the order of the superintendent of public works, for the purpose aforesaid.

§ 3 This act shall take effect immediately.

Chap. 505.

AN ACT to incorporate the union free school district number three, town of Orangetown, county of Rockland.

Became a law April 25, 1898, with the approval of the Governor.

Passed, a majority being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The union free school district number two, the union free school district number three and common school district number eight, in the town of Orangetown, county of Rockland, shall each be dissolved, and then be consolidated into one union free school district, to be known as "union free school district number three" of the town of Orangetown, county of Rockland, and shall not be subject to alteration except in the manner prescribed by law.

Consolidation of school districts.

§ 2. The said district shall be under the direction of a board, to be styled the "board of education," which board shall consist of nine members and be a body corporate, a majority of whom shall constitute a quorum for the transaction of business.

Board of education.

§ 3. There shall be elected on the first Tuesday of May, eighteen hundred and ninety-eight, nine trustees; three of such trustees to hold office until the first Tuesday of August, eighteen hundred and ninety-nine; three of such trustees to hold office until the first Tuesday of August, nineteen hundred, and the remaining three trustees to hold office until the first Tuesday of August, nineteen hundred and one, and until their respective successors shall be elected.

Election of trustees in 1898.

§ 4. There shall be elected at each annual meeting in said district and on the first Tuesday of August in each year thereafter, three persons who shall be residents and inhabitants liable to pay taxes for school purposes in said district, to act as members of said board of education, and who shall hold their respective offices for the term of three years. The office of any existing trustee or trustees in such district or districts before the establishing of said union free school therein shall cease on and after the first Tuesday of May, eighteen hundred and ninety-eight, except for the purpose of providing for and paying all just debts, and to that end the trustees and other officers shall continue in office. The inhabitants in the said several districts hereby consolidated into union free school

Annual election thereafter.

Office of existing trustees.

Powers of inhabitants.

district number three may hold, special meetings, elect officers, supply vacancies and vote taxes and perform all other acts necessary to raise money and pay such debts.

Repeal.

§ 5. All laws and parts of laws inconsistent with this act are hereby repealed, so far as relates to school districts numbers two, three and eight in the town of Orangetown, Rockland county.

§ 6. This act shall take effect immediately.

Chap. 506.

AN ACT to provide for extraordinary repairs and improvements of existing mechanical and other structures and work on and connected with the canals of the state.

Became a law April 26, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

State tax
of 7-100ths
of a mill.

Section 1. There shall be imposed for the fiscal year commencing on the first day of October, eighteen hundred and ninety-eight, a state tax of seven one-hundredths of a mill on each dollar of the valuation of the real and personal property in this state subject to taxation, which tax shall be assessed, levied and collected by the annual assessment and collection of taxes for that year in the manner prescribed by law, and shall be paid by the several county treasurers into the treasury of the state, to be held by the state treasurer for appropriation to the purposes hereinafter designated.

Appropriation.

§ 2. Of the proceeds of the tax authorized by section one of this act, the sum of three hundred and fifty thousand dollars is hereby appropriated for the extraordinary repairs and improvement of existing mechanical and other constructions and works on and connected with the canals of this state, and the same shall be expended by the superintendent of public works for the said purpose, on plans prepared by the state engineer and surveyor and approved by said superintendent of public works.

Expenditure.

Plans.

Issue of
emergency
bonds.

§ 3. The comptroller is hereby authorized to borrow on the credit of this state, by the issue of emergency bonds therefor, the said sum of three hundred and fifty thousand dollars provided by section two of this act, so that the same may be made avail-

able for the purposes therein named before the collection of the tax thereby authorized, and the said bonds shall be paid from the avails of said tax when collected, prior to the fifteenth day of May, eighteen hundred and ninety-nine.

§ 4. This act shall take effect immediately.

Chap. 507.

AN ACT to confer jurisdiction upon the court of claims to hear, audit and determine the alleged claim of Barent B. Sanders against the state for damages alleged to have been sustained by him, his grantors and assignors and to render judgment therefor.

Became a law April 26, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Jurisdiction is hereby conferred upon the court of claims to hear, audit and determine the alleged claim of Barent B. Sanders of the city of Albany, against the state, for damages alleged to have been sustained by him and by his grantors and assignors, by reason of the alleged percolation and overflowing of waters from the Champlain canal upon, and temporary and permanent appropriation of lands of him and them, in the town of Stillwater, whereby it is alleged that said lands have been flooded and rendered wet and untillable since about the year eighteen hundred and ninety-four, by reason of the negligence of the state and its officers in not properly constructing and maintaining the banks of said canal, and wherein it is alleged that in repairs to said canal certain of said lands were appropriated, some temporarily and some permanently, and to make an award and render judgment therefor against the state and in favor of said claimant.

§ 2. No award shall be made or judgment rendered herein in favor of claimant and against the state, unless the facts proved shall make out a case against the state, which would create a liability, were the same established in evidence in a court of law or equity against an individual or corporation and in case such liability shall be satisfactorily established, then the court of claims shall award to and render judgment for the claimants for

such sum as shall be just and equitable, notwithstanding the lapse of time since the accruing of such damages, provided the claim hereunder is filed within one year after the passage of this act.

§ 3. This act shall take effect immediately.

Chap. 508.

AN ACT to confer jurisdiction upon the court of claims to hear, audit and determine the alleged claim of George Hawley against the state for damages alleged to have been sustained by him, and to render judgment therefor.

Became a law April 26, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Jurisdiction to hear claim.

Section 1. Jurisdiction is hereby conferred upon the court of claims to hear, audit and determine, the alleged claim of George Hawley, of the town of Kingsbury, Washington county, New York, against the state, for damages alleged to have been sustained by him by reason of water claimed to have leaked or escaped from the Champlain canal, upon real property owned by him, situate in the town of Kingsbury, Washington county, New York, during the past six years, and to make an award and render judgment therefor against the state and in favor of said claimant.

Award or judgment.

§ 2. No award shall be made or judgment rendered herein against the state, unless the facts proved shall make out a case against the state, which would create a liability, were the same established in evidence in a court of law or equity against an individual or corporation; and in case such liability shall be satisfactorily established, then the court of claims shall award to and render judgment for the claimant for such sum as shall be just and equitable, notwithstanding the lapse of time since the accruing of said damages, provided the claim hereunder is filed with the court of claims within one year after the passage of this act.

§ 3. This act shall take effect immediately.

Chap. 509.

AN ACT to confer jurisdiction upon the court of claims to hear, audit and determine the alleged claim of Robert Payne against the state for damages alleged to have been sustained by him, and to render judgment therefor.

Became a law April 26, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Jurisdiction is hereby conferred upon the court of claims to hear, audit and determine, the alleged claim of Robert Payne of the town of Fort Edward, New York, against the state, for damages alleged to have been sustained by him by reason of alleged percolation and overflowing of water from the Champlain canal upon the lands of said Payne in the town of Fort Edward, whereby said lands have been flooded as is alleged and rendered wet and untillable, during six years last past, which damages, it is claimed, arose through the negligence of the state in not properly constructing and maintaining the banks of said canal, and to make an award and render judgment therefor against the state and in favor of said claimant.

§ 2. No award shall be made or judgment rendered herein against the state, unless the facts proved shall make out a case against the state, which would create a liability, were the same established in evidence in a court of law or equity against an individual or corporation; and in case such liability shall be satisfactorily established, then the court of claims shall award to and render judgment for the claimant for such sum as shall be just and equitable, notwithstanding the lapse of time since the accruing of said damages, provided the claim hereunder is filed with the court of claims within one year after the passage of this act.

§ 3. This act shall take effect immediately.

Chap. 510.

AN ACT to confer jurisdiction upon the court of claims to hear, audit and determine the alleged claim of the owners of Township six, Brown's tract, Herkimer county, against the state, for damages alleged to have been sustained by them, and to render judgment therefor.

Became a law April 26, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Jurisdiction to hear claim.

Section 1. Jurisdiction is hereby conferred upon the court of claims to hear, audit and determine the alleged claim of the Waldorf Forest Association or other owners of Township six, Herkimer county, against the state, for damages alleged to have been sustained by them by reason of the flooding of a part of said township on or about Twitchell's creek, and injuring the right of said owners to float timber upon said creek and Beaver river, by means of raising the dam on Beaver river at Stillwater, in or about the years eighteen hundred and ninety-two and eighteen hundred and ninety-three, and subsequent years, and to make an award and render judgment therefor against the state and in favor of said claimants.

Award or judgment.

§ 2. No award shall be made or judgment rendered herein against the state unless the facts proved shall make out a case against the state which would create a liability were the same established in evidence in a court of law or equity against an individual or a corporation; and in case such liability shall be satisfactorily established then the court of claims shall award to and render judgment for the claimants for such sum as shall be just and equitable, notwithstanding the lapse of time since the accruing of said damages; provided no recovery shall be had for damages accruing before January first, eighteen hundred and ninety-two, and the claim hereunder is filed with the court of claims within one year after the passage of this act.

§ 3. This act shall take effect immediately.

Chap. 511.

AN ACT to confer jurisdiction upon the court of claims to hear, audit and determine the alleged claims of the Sherry Cottage Company, the Metropolitan Rubber Company and the American Axe and Tool Company against the state for taxes alleged to have been erroneously paid to the comptroller.

Became a law April 26, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Jurisdiction is hereby conferred upon the court of claims to hear, audit and determine the alleged claims against the state of the Sherry Cottage Company, the Metropolitan Rubber Company and the American Axe and Tool Company for taxes alleged to have been erroneously paid to the comptroller under alleged misapprehension of the provisions of chapter five hundred and forty-two of the laws of eighteen hundred and eighty and the acts amendatory thereof, during the years eighteen hundred and ninety, eighteen hundred and ninety-one, eighteen hundred and ninety-two, eighteen hundred and ninety-three, eighteen hundred and ninety-four and eighteen hundred and ninety-five, and to make awards and render judgments therefor against the state and in favor of such claimants.

§ 2. No awards shall be made or judgments rendered herein, unless the facts proved shall make out a case against the state, which would create a liability were the same established in evidence in a court of law or equity against an individual or corporation; and in case such liability shall be satisfactorily established, then the court of claims shall award to and render judgment for the claimants for such sums as shall be just and equitable, notwithstanding the lapse of time since the erroneous payment of such taxes, provided the claims hereunder are filed with the court of claims within one year after the passage of this act.

§ 3. This act shall take effect immediately.

Chap. 512.

AN ACT to amend chapter two hundred and ninety-eight of the laws of eighteen hundred and eighty-three, entitled "An act to provide for the government of the city of Albany," and the several acts amendatory thereof.

Accepted by the city.

Became a law April 26, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Charter
amended.

Section 1. Section thirty of title three of chapter two hundred and ninety-eight of the laws of eighteen hundred and eighty-three, entitled "An act to provide for the government of the city of Albany," as amended by chapter one hundred and fourteen of the laws of eighteen hundred and eighty-nine, chapter one hundred and seventy-one of the laws of eighteen hundred and ninety-two, chapter nine hundred and eighty-three of the laws of eighteen hundred and ninety-five and chapter six hundred and ninety of the laws of eighteen hundred and ninety-six, is hereby further amended so as to read as follows:

Repaving
of streets
once paved
at owner's
expense.

§ 30. No street, avenue or public place in the city of Albany which has been paved once with granite block, vitrified paving brick or asphalt pavement, and the expenses thereof paid by the owners of adjoining property by assessment or otherwise, shall hereafter be repaved with any other and different materials at their expense unless such paving or repaving be petitioned for by one or more persons owning not less than one-half the number of feet fronting both sides of that portion of the street, avenue or public place to be so paved or repaved as shall appear by said tax-rolls, of which fact the certificate of the city engineer shall be conclusive evidence. But nothing in this section shall prevent the common council from, at any time, by law, providing for the grading and repaving with granite block, vitrified paving brick or asphalt pavement of the best quality, and suitable crosswalk stones and recurb-ing of any street in that section of the city of Albany which is bounded on the north by Patroons creek, on the east by the Hudson river, on the south by Gansevoort street and the former south boundary line of said city, and on the west by Eagle street and the continuation thereof, and which is now or may hereafter be paved

Repaving,
recurb-ing,
etc., of
streets
paved with
cobble-
stones.

with cobblestones without any petition being presented therefor; provided, however, that the board of contract and apportionment of the city of Albany shall, in writing, recommend to the said common council such repaving as aforesaid. And in case such street, avenue or public place shall be thus paved and curbed, all the provisions of any amendment of this title which shall provide for the payment for similar work by the issue of bonds of the city of Albany, and for the collection of the assessment therefor in equal annual instalments, and shall have been enacted prior to the making of an assessment for the cost of repaving and curbing any such street, avenue or public place as aforesaid, shall be applicable thereto.

Provisions
of charter
applicable.

§ 2. Section fifty-eight of title three of said act, as amended by chapter two hundred and fifty-seven of the laws of eighteen hundred and ninety, is hereby amended so as to read as follows:

§ 58. No bonds for street improvements shall be issued by the city of Albany when the amount outstanding, issued for street improvements, under the provisions of this act, together with those proposed to be issued, shall exceed the sum of nine hundred thousand dollars. Whenever any bonds, the amount of which is to be repaid by an assessment upon property benefited, issued after January first, eighteen hundred and eighty-eight, shall be paid out of the general debt sinking fund, there shall be raised in the next succeeding city tax budget a sum equal to the amount so paid with interest, and such amount shall be repaid into the general debt sinking fund, and if, when all the bonds issued for any such work shall have been paid there shall remain an amount collected from the assessment imposed therefor, over and above what shall be necessary to retire such bonds and pay the interest thereon, such surplus shall be credited to the street contingent fund, and whenever at the time that all the bonds issued from any such work shall have been paid the amount realized from the assessment shall prove insufficient to fully pay the principal and interest of such bonds, the deficiency, with interest thereon, shall be raised in the next tax budget and be paid into the general debt sinking fund.

Issue of im-
provement
bonds re-
stricted.

Tax for
bonds paid
from gen-
eral sink-
ing fund.

Surplus
of assess-
ments,
how cred-
ited.

Tax for
deficiency.

§ 3. Section fifty-nine of title three of said act is hereby amended so as to read as follows:

§ 59. The common council may, by a two-thirds vote of all the members elected thereto, with the approval of the mayor and upon the prior recommendation of the board of contract and

Assess-
ments pay-
able in
install-
ments.

apportionment, provide in any ordinance for any street or other improvement, the expense for which may be imposed and assessed upon the property benefited thereby, as provided by law, that the assessments therefor shall be and become due and payable in any number, not less than five and not more than ten equal annual installments, and that one of such installments, together with interest thereon, from and after the date of the confirmation of such assessment, at the rate specified in the bonds issued on account thereof as hereinafter provided, upon the whole amount of the entire assessment remaining unpaid, shall be due and payable upon each first day of September following the confirmation of such assessment, until the whole of said assessment and the interest thereon shall be paid. The owner of any piece of property so assessed may, at any time, pay to the chamberlain the entire assessment upon his property, with interest at the rate aforesaid, up to the time of such payment, and thereupon said property shall be discharged from the lien of such assessment. All the provisions of the charter with reference to the sale of property for unpaid assessments, or for unpaid installments of assessments, shall be applicable to assessments for improvements made under any ordinance passed pursuant to this section, and all the provisions of the charter with reference to the issuing, the rate of interest, the sale, the application of the proceeds and the payment of improvement bonds, shall be applicable to such improvements; provided, however, that bonds issued on account of any such improvement shall be made payable in the same number of equal annual installments as is provided in such ordinance for the payment of the assessments for such improvements. The board of finance is hereby authorized to issue and sell, as provided by law, any bonds authorized and required by any such ordinance.

Owner may
pay entire
assess-
ment.

Provisions
of charter
applicable
to assess-
ments for
improve-
ments.

Proviso as
to bonds.

§ 4. This act shall take effect immediately.

Chap. 513.

AN ACT to amend chapter two hundred and sixty of the laws of eighteen hundred and ninety-one, entitled "An act to establish a hospital in and for the city of Cohoes, and to provide for the erection, government and maintenance thereof," ending the term of office of the commissioners appointed thereunder and the power to appoint or confirm the same, and repealing certain sections thereof.

Accepted by the city.

Became a law April 26, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The term of office of all commissioners appointed under said chapter two hundred and sixty of the laws of eighteen hundred and ninety-one, and the power to appoint or confirm commissioners thereunder in the future shall cease and be at an end immediately upon the passage of this act. Terms of commissioners, etc., to cease..

§ 2. All acts of commissioners appointed under said chapter two hundred and sixty of the laws of eighteen hundred and ninety-one, either in the contracting for, selection and purchase of a hospital site, lands, building and appurtenances under said act and the issuing of the bonds for the purchase thereof, as well as all other acts by said commissioners, done under the provisions of said act are hereby legalized, ratified, approved and made valid, binding and effective. Acts legalized.

§ 3. Sections three, seven, eight, nine, ten and eleven of said chapter two hundred and sixty of the laws of eighteen hundred and ninety-one, are hereby repealed. Repeal.

§ 4. This act shall take effect immediately.

Chap. 514.

AN ACT to amend chapter six hundred and seventy-one of the laws of eighteen hundred and ninety-two, entitled "An act to revise, consolidate and amend the several acts relating to the government of the city of Cohoes," passed May eighteenth, eighteen hundred and ninety-two.

Accepted by the city.

Became a law April 26, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Charter amended.

Section 1. Subdivision one of section seven of title four of said chapter six hundred and seventy-one of the laws of eighteen hundred and ninety-two is hereby amended so as to read as follows:

Powers of council.

1. To provide for the care, custody and preservation of the property, books, records and papers belonging to the city; to prevent and provide for the punishment of any injury to, or trespass upon such property; to make all necessary repairs and improvements thereon; to lease, sell or otherwise dispose of such thereof as shall not be required for the use of said city; to lease for such a time and under such terms as it may deem proper the hospital property, real estate, building and appurtenances owned by the city and to sell or otherwise dispose of the same; and to cause the same to be insured against loss or damage by fire as said common council shall deem necessary or advisable.

Lease of hospital property.

Insurance.

§ 2. This act shall take effect immediately.

Chap. 515.

AN ACT to amend section nine hundred and thirty-seven of chapter three hundred and seventy-eight of the laws of eighteen hundred and ninety-seven, entitled "An act to unite into one municipality under the corporate name of the city of New York, the various communities lying in and about New York harbor, including the city and county of New York, the city of Brooklyn and the county of Kings, the county of Richmond, and part of the county of Queens, and to provide for the government thereof," in relation to the collection of unpaid taxes and assessments levied prior to January first, eighteen hundred and ninety-eight.

Accepted by the city.

Became a law April 26, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section nine hundred and thirty-seven of chapter three hundred and seventy-eight of the laws of eighteen hundred and ninety-seven, entitled "An act to unite into one municipality, under the corporate name of The City of New York, the various communities lying in and about New York harbor, including the city and county of New York, the city of Brooklyn and the county of Kings, the county of Richmond, and part of the county of Queens, and to provide for the government thereof," is hereby amended so as to read as follows:

§ 937. All taxes and assessments levied before the first day of January, eighteen hundred and ninety-eight, by lawful authority, in any of the municipal and public corporations hereby consolidated, including the counties of Kings and Richmond, and that part of the county of Queens included with The City of New York, as hereby constituted, and which shall remain due and unpaid on said first day of January, eighteen hundred and ninety-eight, shall become and be due and payable to and collectible by said city, and all tax and assessment lists in the possession of any officer of any of said municipal and public corporations and counties, on the thirty-first day of December, eighteen hundred and ninety-seven, shall be delivered to the comptroller or his duly authorized representative on or immediately after the first day of January, eighteen hundred and ninety-eight. All such lists, except those of the boroughs of Manhattan, the Bronx

City
charter
amended.

Collection
of unpaid
taxes, etc.,
levied prior
to January
1, 1898.

and Brooklyn, shall thereupon be transmitted to the collector of assessments and arrears to be collected by him or by one of his deputies by suit or under and pursuant to the laws in force when the said taxes were levied, or in force on December thirty-first, eighteen hundred and ninety-seven. Taxes on real estate and water rents in the boroughs of Manhattan and the Bronx levied prior to January first, eighteen hundred and ninety-eight, shall be collected by the receiver of taxes or by one of his deputies in the same manner as heretofore provided therefor, and shall be payable in the office of the said receiver of taxes in the borough of Manhattan until June first, eighteen hundred and ninety-eight, when return thereof shall be made as provided in section one thousand and twenty-three of this act. Arrears of taxes and water rents and assessments for local improvements in the borough of the Bronx, confirmed prior to January first, eighteen hundred and ninety-eight, including assessments confirmed by a court of record, shall be collected by the collector of assessments and arrears at his office in the borough of Manhattan until such time as the comptroller shall provide for the proper collection thereof at the branch office of the collector of assessments and arrears in the borough of the Bronx. Taxes on real estate, water rates and assessments in the borough of Brooklyn shall be collected by the receiver of taxes of the city of New York or by one of his deputies in the same manner and up to the same time as heretofore provided therefor by the city of Brooklyn, when return thereof shall be made as provided in section one thousand and twenty-three of this act. Taxes on personal property unpaid on January fifth, eighteen hundred and ninety-eight, may be collected as elsewhere provided in this act for the collection of taxes on personal property in the city of New York.

§ 2. This act shall take effect immediately.

Chap. 516.

AN ACT to confirm and legalize certain taxes heretofore levied, or attempted to be levied, in that portion of The City of New York formerly constituting the city of Brooklyn, and in relation to the payment of the same.

Accepted by the city.

Became a law April 26, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. No tax levied and confirmed, or attempted to be levied and confirmed, upon the various lots, pieces and parcels of land in the several wards of the former city of Brooklyn, and now embraced within the city of New York, shall be held or declared to be invalid by reason of the failure or omission of the assessors of said city of Brooklyn, or two of them, to swear to the corrected assessment-rolls or books of each or of any of the wards of the said city of Brooklyn, according to oath provided by law; or to write or indorse upon said rolls, an affidavit or affidavits to the effect that they have together personally examined within the past year each and every lot or parcel of land, house, building or other accessible property within the ward or several wards; or to the effect that they have together personally examined within the year past each and every lot, or parcel of land, house, building or other accessible property.

Failure of assessors to verify rolls, etc., not to invalidate taxes.

§ 2. The taxes so far as the same remain unpaid, which were heretofore levied and confirmed, or attempted to be levied and confirmed, by the supervisors of the county of Kings upon the various lots, pieces and parcels of land in the several wards of the city of Brooklyn as the same appear and were carried out on the several assessment-rolls or books of said several wards for each and every year are hereby in all respects and for all purposes made and declared good and valid and effectual in law; and the acts of the said supervisors in heretofore apportioning, levying and confirming the taxes upon the various lots, pieces and parcels of land designated upon said rolls or books and in issuing and delivering warrants for the collection of such taxes are hereby ratified and confirmed and made valid and effectual, and the said taxes remaining unpaid shall be payable with interest at the rate of nine per centum per annum from the date at which said taxes were made payable under the provisions of law relating thereto.

Unpaid taxes legalized.

Acts of supervisors legalised.

Payments of taxes.

§ 3. This act shall take effect immediately.

Chap. 517.

AN ACT to amend the code of civil procedure, relative to actions to recover real property.

Became a law April 26, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Code amended.

Section 1. Section fourteen hundred and ninety-nine of the code of civil procedure is hereby amended so as to read as follow:

Action to recover real property.

§ 1499. Such an action can not be maintained in a case where an action for dower may be maintained, as prescribed in article third of this title; or

2. Where in any city the real property consist of a strip of land not exceeding six inches in width upon which there stands the exterior wall of a building erected partly upon said strip and partly upon the adjoining lot, and a building has been erected upon land of the plaintiff abutting on the said wall, unless said action be commenced within one year after the completion of the erection of such wall or within one year after the first day of September, eighteen hundred and ninety-eight. But an action may be maintained, if commenced within the further period of one year, for the recovery of damages by reason of the erection of such wall, and upon the satisfaction of the judgment for such damages the title of the plaintiff to such strip of land shall thereby be transferred to and vest in the defendant. If neither an action of ejectment nor an action for the recovery of damages be brought within the period hereby limited therefor, the person in possession of such lands shall be deemed to have an easement in said strip of land so long as the said wall partly erected thereon shall stand, and no longer, and in case of the destruction of such wall the owner of such strip shall have the same right to take or recover the possession thereof as if such wall had never existed.

When takes effect.

§ 2. This act shall take effect September first, eighteen hundred and ninety-eight.

Chap. 518.

AN ACT to change the name of the "First Methodist Episcopal Church of Hunters point," to "Grace Methodist Episcopal Church of the borough of Queens," City of New York.

Became a law April 26, 1898, with the approval of the Governor.

Passed, a majority being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The name of the "First Methodist Episcopal Church of Hunters Point," a religious corporation, is hereby changed to "Grace Methodist Episcopal Church of the borough of Queens, city of New York;" and as such shall enjoy and exercise all the rights and powers it has heretofore possessed. Name changed.

§ 2. Nothing herein contained shall in any way impair or affect any contract, liability, obligation or duty of said corporation, made, entered into, or incurred before the passage of this act, with or to any person or persons, corporation or corporations, or of any person or persons, corporation or corporations, with or to said corporation, or any proceedings instituted, or that may be instituted to enforce any contract, obligation, liability or duty in favor of or against said corporation; but any and all such contracts, obligations, liabilities, duties and proceedings shall be and remain valid and binding in all respects to the same extent and liable to be enforced by and against said corporation by the name of the "Grace Methodist Episcopal Church of the borough of Queens, City of New York," in the same manner as if the alteration contained in this act had not been made. Contract, etc., not affected.

§ 3. This act shall take effect immediately.

Chap. 519.

AN ACT releasing certain real estate of the German Reformed Protestant Dutch Church, in The City of New York, from the taxes for the year eighteen hundred and ninety-seven.

Accepted by the city.

Became a law April 26, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The church building erected for public religious worship upon, and the real estate of the German Reformed Real estate released from taxes.

Protestant Dutch Church in The City of New York, consisting of three lots situate on the northerly side of Sixty-eighth street in the borough of Manhattan in the Nineteenth ward of the city and county of New York, one hundred feet westerly from First avenue, being seventy-five feet in width, front and rear, and one hundred and twenty-three feet six inches in depth on each side, and known as lots twenty, twenty-one and twenty-two, in block number fourteen hundred and forty-three in section five, be and the same are hereby released and discharged of and from the taxes levied and assessed thereon for the year eighteen hundred and ninety-seven.

§ 2. This act shall take effect immediately.

Chap. 520.

AN ACT to amend the railroad law, relative to grade crossings.
Became a law April 26, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Railroad
law
amended.

Section 1. Section sixty-one of article two of chapter five hundred and sixty-five of the laws of eighteen hundred and ninety, entitled "An act in relation to railroads, constituting chapter thirty-nine of the general laws," known as the railroad law, as amended by chapter seven hundred and fifty-four of the laws of eighteen hundred and ninety-seven, is hereby amended so as to read as follows:

Grade
crossings
of steam
railroads.

§ 61. When a new street, avenue or highway, or new portion of a street, avenue or highway shall hereafter be constructed across a steam surface railroad, other than pursuant to the provisions of section sixty-two of this act, such street, avenue or highway or portion of such street, avenue or highway, shall pass over or under such railroad or at grade as the board of railroad commissioners shall direct. Notice of intention to lay out such street, avenue or highway, or new portion of a street, avenue or highway, across a steam surface railroad, shall be given to such railroad company by the municipal corporation at least fifteen days prior to the making of the order laying out such street, avenue or highway by service personally on the president or vice-president of the railroad corporation, or any general

Notice of
intention
to lay out
streets,
etc., across
railroad.

officer thereof. Such notice shall designate the time and place and when and where a hearing will be given to such railroad company, and such railroad company shall have the right to be heard before the authorities of such municipal corporation upon the question of the necessity of such street, avenue or highway. If the municipal corporation determines such street, avenue or highway to be necessary, it shall then apply to the board of railroad commissioners before any further proceedings are taken, to determine whether such street, avenue or highway shall pass over or under such railroad, or at grade, whereupon the said board of railroad commissioners shall appoint a time and place for hearing such application, and shall give such notice thereof, as they judge reasonable, not, however, less than ten days, to the railroad company whose railroad is to be crossed by such new street, avenue or highway, or new portion of a street, avenue or highway, to the municipal corporation and to the owners of land adjoining the railroad and that part of the street, avenue or highway to be opened or extended. The said board of railroad commissioners shall determine whether such street, avenue or highway, or new portion of a street, avenue or highway, shall be constructed over or under such railroad or at grade; and if said board determine that such street, avenue or highway shall be carried across such railroad above grade, then said board shall determine the height, the length and the material of the bridge or structure by means of which such street, avenue or highway shall be carried across such railroad, and the length, character and grades of the approaches thereto; and if said board shall determine that such street, avenue or highway shall be constructed or extended below the grade, said board shall determine the manner and method in which the same shall be so carried under, and the grade or grades thereof, and if said board shall determine that said street, avenue or highway shall be constructed or extended at grade, said board shall determine the manner and method in which the same shall be carried over said railroad at grade and what safeguards shall be maintained. The decision of the said board as to the manner and method of carrying such new street, avenue or highway, or new portion of a street, avenue or highway, across such railroad, shall be final, subject, however, to the right of appeal hereinafter given. The decision of said board rendered in any proceeding under this section shall be com-

Hearing
before
municipal
authori-
ties.

Applica-
tion to
railroad
commis-
sioners.

Hearing
upon ap-
plication.

Determina-
tion of
board.

Decisions
subject to
appeal.

To be com-
municated
to parties.

municated within twenty days after final hearing to all parties to whom notice of the hearing in such proceeding was given or who appeared at such hearing by counsel or in person.

§ 2. Section sixty-two of article two of said act is hereby amended so as to read as follows:

Changes in
existing
crossings.

Petition to
railroad
commis-
sioners.

Hearing by
board.

Decision of
board.

Appeal
from de-
cisions.

§ 62. The mayor and common council of any city, the president and trustees of any village, the town board of any town within which a street, avenue or highway crosses or is crossed by a steam surface railroad at grade, or any steam surface railroad company, whose road crosses or is crossed by a street, avenue or highway at grade, may bring their petition, in writing, to the board of railroad commissioners, therein alleging that public safety requires an alteration in the manner of such crossing, its approaches, the method of crossing, the location of the highway or crossing, the closing and discontinuance of a highway crossing and the diversion of the travel thereon to another not at grade, or if not practicable to change such crossing from grade or to close and discontinue the same, the opening of an additional crossing for the partial diversion of travel from the grade crossing, and praying that the same may be ordered; whereupon the said board of railroad commissioners shall appoint a time and place for hearing the petition, and shall give such personal notice thereof as they shall judge reasonable, of not less than ten days, however, to said petitioner, the railroad company, the municipality in which such crossing is situated, and to the owners of the lands adjoining such crossing and adjoining that part of the highway to be changed in grade or location, or the land to be opened for a new crossing, and shall cause notice of said hearing to be advertised in at least two newspapers published in the locality affected by the application; and after such notice of hearing the said board of railroad commissioners shall determine what alterations or changes, if any, shall be made. The decision of said board of railroad commissioners rendered in any proceeding under this section, shall be communicated within twenty days after final hearing to all parties to whom notice of the hearing in said proceeding was given, or who appeared at said hearing by counsel or in person. Any person aggrieved by such decision, or by a decision made pursuant to sections sixty and sixty-one hereof, and who was a party to said proceeding, may appeal therefrom to the appellate division of the supreme court in the department in which such grade crossing is situated and to the court of

appeals, in the same manner and with like effect as is provided in the case of appeals from an order of the supreme court.

§ 3. Section sixty-five of article two of said act is hereby amended so as to read as follows:

§ 65. Whenever, under the provisions of section sixty of this act, new railroads are constructed across existing highways, the expense of crossing above or below the grade of the highway shall be paid entirely by the railroad corporations. Whenever under the provisions of section sixty-one of this act a new street, avenue or highway is constructed across an existing railroad, the railroad corporation shall pay one-half and the municipal corporation wherein such street, avenue or highway is located, shall pay the remaining one-half of the expense of making such crossing above or below grade; and whenever a change is made as to an existing crossing in accordance with the provisions of section sixty-two of this act, fifty per centum of the expense thereof shall be borne by the railroad corporation, twenty-five per centum by the municipal corporation, and twenty-five per centum by the state. Whenever, in carrying out the provisions of sections sixty-one or sixty-two of this act, two or more lines of steam surface railroad, owned and operated by different corporations, cross a highway at a point where a change in grade is made, each corporation shall pay such proportion of fifty per centum of the expense thereof as shall be determined by the board of railroad commissioners. In carrying out the provisions of sections sixty, sixty-one and sixty-two of this act the work shall be done by the railroad corporation or corporations affected thereby, subject to the supervision of and approval of the board of railroad commissioners, and in all cases, except where the entire expense is paid by the railroad corporation, the expense of construction shall be paid primarily by the railroad company, and the expense of acquiring additional lands, rights or easements, shall be paid primarily by the municipal corporation wherein such highway crossings are located. Plans and specifications of all changes proposed under sections sixty-one and sixty-two of this act, and an estimate of the expense thereof shall be submitted to the board of railroad commissioners for their approval before the letting of any contract. In case the work is done by contract the proposals of contractors shall be submitted to the board of railroad commissioners, and if the board shall determine that the bids are excessive it shall have the power to require the submission of new proposals. The board of railroad commissioners

Expense of crossings, how paid.

Plans and estimate of expense.

Proposals for work.

Super-
vision by
railroad
commis-
sioners.

may employ temporarily such experts and engineers as may be necessary to properly supervise any work that may be undertaken under sections sixty, sixty-one or sixty-two of this act, the expense thereof to be paid by the comptroller upon the requisition and certificate of the said board, said expense to be included in the cost of the particular change in grade on account of which it is incurred and finally apportioned in the manner provided in this section. Upon the completion of the work and its approval by the board of railroad commissioners an accounting shall be had between the railroad corporation and the municipal corporation, of the amounts expended by each with interest, and if it shall appear that the railroad corporation or the municipal corporation have expended more than their proportion of the expense of the crossing as herein provided, a settlement shall be forthwith made in accordance with the provisions of this section. All items of expenditure shall be verified under oath, and, in

Account-
ing upon
completion
of work.

Disputes.

case of a dispute between the railroad corporation and the municipal corporation as to the amount expended, any judge of the supreme court in the judicial district in which the municipality is situated, may appoint a referee to take testimony as to the amount expended, and the confirmation of the report of the referee shall be final. In the event of the failure or refusal of the railroad corporation to pay its proportion of the expense, the same, with interest from the date of such accounting, may be levied and assessed upon the railroad corporation and collected in the same manner that taxes and assessments are now collected by the municipal corporation within which the work is done; and in the event of the failure or refusal of the municipal corporation to pay its proportion of the expense, suit may be instituted by the railroad corporation for the collection of the same with interest from the date of such accounting, or the railroad corporation may offset such amount with interest against any taxes levied or assessed against it or its property by such municipal corporation. The legislature shall annually appropriate out of any moneys not otherwise ap-

Failure or
refusal to
make pay-
ments.

Annual ap-
propriation
by state.

propriated, the sum of one hundred thousand dollars for the purpose of paying the state's proportion of the expense of a change in an existing grade crossing. If, in any year, any less sum than one hundred thousand dollars is expended by the state for the purpose aforesaid the balance remaining unexpended shall be applied to reduce the amount ap-

appropriated by the state in the next succeeding year, except that no such deduction shall be made in case there are outstanding and unadjusted obligations on account of a change in an existing grade crossing for a proportion of which the state is liable under the provisions of this section. In the event of the appropriation made by the state in any one year being insufficient to pay the state's proportion of the expense of any change that may be ordered the first payment from the appropriation of the succeeding year shall be on account of said change, and no payment shall be made on account of any subsequent change that may be ordered, nor shall any subsequent change be ordered until the obligation of the state on account of the first-named change in grade has been fully discharged, unless the same shall be provided for by an additional appropriation to be made by the legislature. The state's proportion of the expense of changing any existing grade crossing shall be paid by the state treasurer on the warrant of the comptroller, to which shall be appended the certificate of the board of railroad commissioners to the effect that the work has been properly performed and a statement showing the situation of the crossing that has been changed, the total cost and the proportionate expense thereof, and the money shall be paid in whole or in part to the railroad corporation or to the municipal corporation as the board of railroad commissioners may direct, subject, however, to the rights of the respective parties as they appear from the accounting to be had as hereinbefore provided for.

State's proportion,
how paid.

§ 4. This act shall take effect immediately.

Chap. 521.

AN ACT to amend the railroad law, and the acts amendatory thereof, relative to the location of tools in cars.

Became a law April 26, 1898, with the approval of the Governor.

Passed, a majority being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision six of section forty-nine of the railroad law is hereby amended to read as follows:

6. To provide each closed car in use in every passenger train owned or regularly used upon a railroad, with one set of tools,

consisting of an axe, sledge hammer, crowbar and hand saw and such other or additional tools as the board of railroad commissioners may require, to be placed where directed by the board of railroad commissioners.

§ 2. This act shall take effect immediately.

Chap. 522.

AN ACT to authorize and empower receivers of corporations appointed by a judgment or order in an action or special proceeding to sell the property of the corporation at private sale.

Became a law April 26, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Sale of
property at
private
sale
author-
ized.

Section 1. A receiver duly appointed in this state by and pursuant to a judgment in an action, or by and pursuant to an order in a special proceeding, may, upon application to the court by which such judgment was rendered, or such order was made, and upon notice to such parties as may be entitled to notice of applications made in such action or special proceeding, be authorized by the said court to sell or convey the property, whether real or personal, of the corporation of which he is the receiver, at private sale, upon such terms and conditions as the court may direct.

Sales and
convey-
ances
legalized.

§ 2. All sales of the property of a corporation heretofore made at private sale by such a receiver, and conveyances thereof, where such sales or conveyances have been authorized or directed by the court having jurisdiction of the action or special proceeding in which such receiver was appointed, are hereby ratified and confirmed in so far as the legal capacity and statutory power of the receiver to make the same are concerned.

§ 3. This act shall take effect immediately.

Chap. 523.

AN ACT making appropriation for the relief of indigent soldiers, sailors, marines and the families of those deceased.

Accepted by the city.

Became a law April 28, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The board of estimate and apportionment of The City of New York is hereby authorized and empowered to appropriate for the year eighteen hundred and ninety-eight, the sum of ten thousand dollars so as to comply with the provisions of chapter seven hundred and six of the laws of eighteen hundred and eighty-seven, as amended by chapter two hundred and sixty-one of the laws of eighteen hundred and eighty-eight.

§ 2. This act shall take effect immediately.

Chap. 524.

AN ACT to confer jurisdiction upon the court of claims to hear, audit and determine the alleged claim of the Onondaga Pottery Company against the state for damages alleged to have been sustained by said company, and to render judgment therefor.

Became a law April 28, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Jurisdiction is hereby conferred upon the court of claims to hear, audit and determine, the alleged claim of the Onondaga Pottery Company of Syracuse against the state, for damages alleged to have been sustained by said company for goods, wares and merchandise, consisting of butter and cheese jars, of the value of about ninety dollars, alleged to have been sold and delivered to the agents of the Columbian Exposition at Chicago in the year eighteen hundred and ninety-three, and used by such officers in connection with the agricultural exhibit from the state of New York at said exposition in the year eighteen hundred and ninety-three, and to make an award and render judgment therefor against the state and in favor of said claimant.

§ 2. No award shall be made or judgment rendered herein against the state, unless the facts proved shall make out a case

Jurisdiction to hear claim.

Award or judgment.

against the state, which would create a liability were the same established in evidence in a court of law or equity against an individual or corporation; and in case such liability shall be satisfactorily established, then the court of claims shall award to and render judgment for the claimant for such sum as shall be just and equitable, notwithstanding the lapse of time since the accruing of said damages, provided the claim hereunder is filed with the court of claims within one year after the passage of this act.

§ 3. This act shall take effect immediately.

Chap. 525.

AN ACT to confer jurisdiction upon the court of claims to hear, audit and determine the alleged claim of Marie Menasher, as administratrix of the estate of Fred Menasher, deceased, against the state for damages alleged to have been sustained by him, and to render judgment therefor.

Became a law April 26, 1898, with the approval of the Governor.
Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Jurisdiction to hear claim.

Section 1. Jurisdiction is hereby conferred upon the court of claims to hear, audit and determine the alleged claim of Marie Menasher, as administratrix of the estate of Fred Menasher, deceased, alleged to have been sustained by her by reason of the death of the said Fred Menasher while employed by the state in working on the canals of the state, on the twenty-seventh day of June, eighteen hundred and ninety-five, and to make an award and render judgment therefor against the state and in favor of said claimant.

Award or judgment.

§ 2. No award shall be made or judgment rendered herein against the state, unless the facts proved shall make out a case against the state, which would create a liability, were the same established in evidence in a court of law or equity against an individual or corporation; and in case such liability shall be satisfactorily established, then the court of claims shall award to and render judgment for the claimant for such sum as shall be just and equitable, notwithstanding the lapse of time since the accruing of said damages, provided the claim hereunder is filed with the court of claims within one year after the passage of this act.

§ 3. This act shall take effect immediately.

Chap. 526.

AN ACT to confer jurisdiction upon the court of claims to hear, audit and determine the alleged claim of the town of Alabama, in the county of Genesee, against the state for damages alleged to have been sustained by said town, and render judgment therefor.

Became a law April 26, 1896, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Jurisdiction is hereby conferred upon the court of claims, to hear, audit and determine, the alleged claim of the town of Alabama, in the county of Genesee, against the state, for damages alleged to have been sustained by said town, by reason of the roads and highways of said town being overflowed by Tonawanda creek water from the canal feeder leading from Tonawanda creek to the Oak Orchard creek and by surface water and by water from natural water courses being intercepted by said canal feeder and which overflowed the banks of said feeder, and to make an award and render judgment therefor against the state and in favor of said claimant.

Jurisdiction to hear claim.

§ 2. No award shall be made or judgment rendered herein against the state, unless the facts proved shall make out a case against the state, which would create a liability, were the same established in evidence in a court of law or equity against an individual or corporation; and in case such liability shall be established satisfactorily, then the court of claims shall award to and render judgment for the claimant for such sum as shall be just and equitable, notwithstanding the lapse of time since the accruing of said damages, provided the claim hereunder is filed with the court of claims within one year after the passage of this act.

Award or judgment.

§ 3. This act shall take effect immediately.

Chap. 527.

AN ACT to confer jurisdiction upon the court of claims to hear, audit and determine the alleged claim of John Moore against the state, for damages alleged to have been sustained by him, and to render judgment therefor.

Became a law April 26, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Jurisdiction to hear claim.

Section 1. Jurisdiction is hereby conferred upon the court of claims to hear, audit and determine the alleged claim of John Moore, of the city of Syracuse, county of Onondaga and state of New York, against the state for damages alleged to have been sustained by him by reason of the failure of the state to pay for labor performed and material used by the said John Moore between the twenty-eighth day of June, in the year eighteen hundred and ninety-four, and the thirteenth day of August, in the year eighteen hundred and ninety-seven, at the request and by the direction of the board of managers of the New York State Reformatory for Women, at Bedford, Westchester county, New York, and to make, award and render judgment therefor against the state and in favor of said claimant.

Award or judgment.

§ 2. No award shall be made or judgment rendered herein against the state, unless the facts proved shall make out a case against the state, which would create a liability, were the same established in evidence in a court of law or equity against an individual or corporation; and in case such liability shall be satisfactorily established, then the court of claims shall award to and render judgment for the claimant for such sum as shall be just and equitable, notwithstanding the lapse of time since the accruing of such damages provided the claim herein is filed with the court of claims within one year after the passage of this act.

§ 3. This act shall take effect immediately.

Chap. 528.

AN ACT to enable the city of Albany to raise money for the grading and improvement of Beaver park.

Accepted by the city.

Became a law April 26, 1898, with the approval of the Governor. *

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The board of finance of the city of Albany is hereby empowered, whenever so authorized by the common council of said city by a resolution duly adopted by a vote of two-thirds of all the members elected thereto, and the approval of the mayor, to borrow on the faith and credit of said city of Albany a sum not exceeding fifteen thousand dollars, and to issue registered bonds of said city therefor, which bonds shall be signed by the said mayor and chamberlain, and shall be made payable, both principal and interest, at the office of the chamberlain in the city of Albany, the principal thereof in twenty annual payments following the first issue thereof, as nearly equal in amount as possible. They shall bear interest at the rate to be fixed by the board of finance of said city; not to exceed, however, five per centum per annum, payable semi-annually, and as fast as the money shall be required by the board of commissioners of Washington park, they shall be negotiated by said board of finance as hereinafter provided, and the money received therefrom shall be deposited with the city chamberlain of said city, who shall keep a separate account thereof and shall pay therefrom, upon the order of said board, their successors or successor, such sums as shall be required for the expenditures authorized by this act, provided that all vouchers for materials purchased by and furnished to said board of commissioners, and the pay-rolls showing names of persons employed and amount paid for labor in the performance of the work hereinafter referred to, shall be filed with said chamberlain. The negotiation of such bonds shall be by selling the same by the city chamberlain to the highest bidder at public auction at not less than par, giving at least ten days' previous notice of the time and place of sale by publication in the official city papers. The chamberlain of the city of Albany is hereby authorized to make advances for the necessary expendi-

Authority to borrow money.

Issue of bonds.

Disposition of proceeds.

Payments to board.

Negotiation of bonds.

Advances for expenditures.

tures by the said commissioners, upon their order or draft, from any funds in his possession prior to the issuing of the bonds herein authorized, and to be reimbursed from the proceeds of subsequent sale of any of said city bonds. It shall be the duty of the common council of said city to cause to be raised yearly, by tax upon the taxable property in said city, in the same manner as the other general taxes are levied, a sum sufficient to pay the interest upon said bonds, when and as the same shall become due and payable, and from time to time, in like manner, to raise the money necessary to pay the principal of said bonds as they shall fall due.

Tax for interest and principal.

§ 2. The moneys realized from the selling of the bonds provided in section one of this act shall be used and expended by said commissioners in the grading, forming and improvement of Beaver park, in the city of Albany.

Application of proceeds.

§ 3. This act shall take effect immediately.

Chap. 529.

AN ACT authorizing the city of Rensselaer to use certain lands for park purpose.

Accepted by the city.

Became a law April 26, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The city of Rensselaer is hereby authorized to occupy and use for park purposes the tract of land therein belonging to the state, and described as follows: All that certain lot, piece or parcel of land situated, lying and being in the town of Greenbush, county of Rensselaer and state of New York, known and distinguished on a map of said property made by Evart Van Allen, surveyor, June first, eighteen hundred and ten, and filed in the office of the secretary of state April tenth, eighteen hundred and fifteen, as the old schoolhouse lot and bounded as follows, to wit: Bounded on the north by lot number eighty-six now owned by E. S. Norton, on the east by Second alley, now known as Walker street, on the south by Third avenue, on the west by Washington street being eighty-four feet wide front and rear and one hundred and twenty feet deep.

Use of certain land for park purposes.

§ 2. Thurlow Weed Post number four hundred of the Grand Army of the Republic, of the city of Rensselaer, is authorized to locate on such lot, at such place and in such manner as it deems desirable, the cannon heretofore presented to such post by the navy department of the United States. The common council of the city of Rensselaer may appropriate such sums as it deems advisable for assisting in the location of such cannon, and for improving and beautifying such grounds. Such grounds shall be open to the public under such reasonable regulations as such post may from time to time prescribe.

Location of cannon on lot.

Appropriation.

Open to public.

§ 3. This act shall take effect immediately.

Chap. 530.

AN ACT to amend chapter three hundred and forty-two of the laws of eighteen hundred and ninety-two, entitled "An act to establish a local court of civil jurisdiction in the city of Syracuse, to be called the municipal court of the city of Syracuse, and to amend the charter of said city," as amended by chapter one hundred and thirty-seven of the laws of eighteen hundred and ninety-four and chapter seven hundred of the laws of eighteen hundred and ninety-six.

Accepted by the city.

Became a law April 26, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section ten of chapter three hundred and forty-two of the laws of eighteen hundred and ninety-two, entitled "An act to establish a local court of civil jurisdiction in the city of Syracuse, to be called the municipal court of the city of Syracuse, and to amend the charter of said city," is hereby amended so as to read as follows:

Act amended.

§ 10. The said court shall have jurisdiction of the following actions and proceedings, whether commenced by summons, warrant, attachment, requisition or other process:

Jurisdiction of court.

1. An action to recover damages upon or for breach of contract, expressed or implied, other than a promise to marry, when the sum claimed does not exceed one thousand dollars.

In action upon contract.

2. An action to recover damages for a personal injury, or an injury to property, where the sum claimed does not exceed one thousand dollars.

Damage for injury.

Upon
bond.

3. An action upon a bond conditioned for the payment of money, where the sum claimed to be due does not exceed one thousand dollars, the judgment to be rendered for the sum actually due; where the sum secured by the bond is to be paid by installments, an action may be brought for each installment as it becomes due.

Surety
bond.

4. An action upon a surety bond, taken in said court, or by a justice of the peace.

Upon
judgment.

5. An action upon a judgment rendered in said court or in a court of a justice of the peace, or in a district court of The City of New York, or in a justice court of a city, being a court not of record.

Recovery
of chattels.

6. An action to recover one or more chattels, with or without damages, for the taking, withholding or detention thereof, where the value of the chattel, or of all the chattels, as stated in the affidavit, made on the part of the plaintiff, does not exceed one thousand dollars.

Judgment
on confes-
sion.

7. To render judgment upon the confession of the defendant or defendants, as prescribed in title six, chapter nineteen of the code of civil procedure, where the sum confessed does not exceed one thousand dollars.

Fraud in
sale and
purchase.

8. In an action for damages for fraud in the sale, purchase or exchange of personal property, if the damages claimed do not exceed one thousand dollars.

Attach-
ment.

9. In an action commenced by attachment, pursuant to the provisions of article four of title two of chapter nineteen of the code of civil procedure, if the debt or damages claimed do not exceed one thousand dollars.

Summary
proceed-
ings.

10. In summary proceedings, under title two, chapter seventeen, of the code of civil procedure, to recover possession of land and to remove tenants and others therefrom.

Mechanic
and other
liens.

11. In actions or proceedings under any statute for the enforcement of the liens of mechanics and others, where the amount of the lien does not exceed the sum of one thousand dollars, the same proceedings to be had as are provided by law to be had in justices' court.

Bastardy
proceed-
ings.

12. In proceedings in the cases of bastardy, brought by the overseer of the poor of the city of Syracuse or by the superintendent of the poor of the county of Onondaga.

Penalties.

13. In proceedings to recover a penalty for the violation of any ordinance of the city of Syracuse.

14. In any other action or civil proceeding of which justices Other actions. of the peace of towns now have jurisdiction.

§ 2. Subdivision three of section eleven of said act is hereby Not to take cognizance of certain actions. amended so as to read as follows:

3. Where, in the matter of account, the sum total of the accounts of both parties, prove to the satisfaction of the court, exceeds two thousand dollars.

§ 3. Section fourteen of said act as amended by chapter one hundred and thirty-seven of the laws of eighteen hundred and ninety-four, is hereby further amended so as to read as follows:

§ 14. The process, service of the same, appearances, practice, Practice, pleadings, etc. pleadings, and proceedings in said court, and in appeals therefrom, judgments by confessor, offers to compromise, fees, costs and disbursements, shall, except as herein otherwise provided be governed by the provisions of the code of civil procedure in regard to courts of justices of the peace, including the provisions of chapter four hundred and fourteen of the laws of eighteen hundred and eighty-one and the acts amendatory thereto in relation to the service and making of verified pleadings in justices' courts. The precept, practice, pleadings and appeals in summary proceedings shall be governed by the provisions of the code of civil procedure relating thereto, except that the petition must be filed with and the precept issued by the clerk, deputy clerk or by either of the judges of said court, and made returnable before the court, and proceedings thereon subsequently had in said court before either of the judges thereof, and upon final order made in favor of the petitioner, the warrant may be issued by the clerk, deputy clerk, or either of the judges of said court. Proceedings and practice in cases of bastardy and appeals therefrom, shall be governed by the provisions of the code of criminal procedure relating thereto except that such proceedings may be held and conducted before either one of the judges of said court, with the same force and effect as if two magistrates were present. The judges of said court may, from time to time, make, alter and amend rules of practice, not inconsistent with the provisions of law. Such rules or alterations, or amendments thereof shall not take effect, however, until a copy thereof signed by both of the judges of said court, and indorsed with the approval of a justice of the supreme court of the fifth judicial district, shall have been filed in the office of the clerk of Onondaga county, and until such copy with said indorsement, shall have been published for at Rules of practice.

Appearance of attorney.

Discontinuance of actions.

Opening default, etc.

Motions and orders.

Judgment, when to be rendered.

Actions, etc., when called.

least ten days in one of the daily newspapers, published at the city of Syracuse, in which city notices are published. The appearance of an attorney and counselor-at-law of the supreme court of this state, on behalf of any party to an action or proceeding pending in said municipal court, may be made by filing with the clerk of said court a notice of appearance, and shall have the same force and effect as if such appearance had been made in a proceeding pending in the supreme court. Any action or proceeding pending in said court may be discontinued by filing with the clerk of said court a stipulation to that effect, signed by the parties or their attorneys, and by paying said clerk all the fees of said court, including constable fees. In such a case judgment of non-suit need not be rendered. The court shall have power to open defaults, and, in an action tried by a jury, to direct a verdict, and the judge before whom a trial is had shall have power to grant a new trial of the action or proceeding for any of the reasons specified in section nine hundred and ninety-nine of the code of civil procedure, upon such terms as may be just. It, or the judges thereof, shall have the same power as the supreme court or the justices thereof, to entertain motions, make orders and grant relief to a party in any action or proceeding of which it has or has had jurisdiction, except where an appeal has been taken. If notice of a motion or any other proceeding, before the court or a judge thereof is necessary, it shall be served upon the party or his attorney at least five days before the time appointed for the hearing, unless the court or a judge thereof, upon an affidavit showing grounds therefor, makes an order to show cause why the order should not be granted, and in the order directs that service thereof less than five days before it is returnable be sufficient. A motion for a new trial upon the minutes must be made within seven days after judgment is entered. Judgment upon the trial of an action on the merits must be rendered within ten days after the same has been finally submitted. Every action and proceeding brought in said court shall be called at the time specified in the mandate or process by which it is commenced, or as soon thereafter as the business of the court will permit, and section twenty-eight hundred and ninety-three of the code of civil procedure shall not apply to such action or proceeding.

§ 4. Section nineteen of said act, as amended by chapter one hundred and thirty-seven of the laws of eighteen hundred and ninety-four, is hereby further amended so as to read as follows:

§ 19. There shall be paid to the clerk or deputy clerk of said court, the following sums only as court fees in a civil action: Court fee in civil actions. Upon the issuing of a summons, one dollar; upon the return day, if judgment is to be taken by default, or if issue is joined (1) if such judgment is rendered, or the amount demanded in the complaint is for a sum less than twenty-five dollars, fifty cents; (2) if such judgment is rendered or the amount demanded in the complaint is for the sum of twenty-five dollars or over, one dollar; for the trial of an action by the court, if issue joined, one dollar and fifty cents; for the trial of an action by a jury, two dollars and fifty cents; for each transcript or execution, twenty-five cents; for making a return upon an appeal from a judgment, or order, two dollars. And in addition thereto there shall be paid, before the return is filed with the appellate court, six cents for each folio of one hundred words contained in said return, in excess of fifty folios. In summary, or special proceedings, including bastardy proceedings, the fees shall be the same as are now allowed by law to justices and justices' courts. The clerk or deputy clerk shall require the prepayment of all such fees. Prepayment of fee. Provided, however, if any person shall satisfy one of said judges, by affidavit, which affidavit must be in writing and filed with the court, that he has a good and meritorious cause of action against another within the jurisdiction of said court, and that he has made a personal demand for the payment thereof of the debtor, and that such payment has been refused, and shall therein also state the name and residence of the debtor, and the amount due over and above all legal set-off, and that the applicant is unable to pay the fees therefor, the judge to whom such affidavit is presented may, in his discretion, indorse on such affidavit directions to the clerk or deputy clerk to issue the proper writ in the case returnable before the other of said judges without charging for court fees, but the applicant in such case shall pay in advance the fees of the constable for serving such writ or process. All fees paid into said court or included in any judgment rendered therein, except constable, jury and witness fees, shall belong to the city of Syracuse, and no such judgment shall be satisfied until said fees are paid into said court, but fees prepaid by either party recovered by any judgment in his favor, and paid into the court, shall be refunded to him. Refunding of fees.

against the state, which would create a liability were the same established in evidence in a court of law or equity against an individual or corporation; and in case such liability shall be satisfactorily established, then the court of claims shall award to and render judgment for the claimant for such sum as shall be just and equitable, notwithstanding the lapse of time since the accruing of said damages, provided the claim hereunder is filed with the court of claims within one year after the passage of this act.

§ 3. This act shall take effect immediately.

Chap. 525.

AN ACT to confer jurisdiction upon the court of claims to hear, audit and determine the alleged claim of Marie Menasher, as administratrix of the estate of Fred Menasher, deceased, against the state for damages alleged to have been sustained by him, and to render judgment therefor.

Became a law April 26, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Jurisdiction to hear claim.

Section 1. Jurisdiction is hereby conferred upon the court of claims to hear, audit and determine the alleged claim of Marie Menasher, as administratrix of the estate of Fred Menasher, deceased, alleged to have been sustained by her by reason of the death of the said Fred Menasher while employed by the state in working on the canals of the state, on the twenty-seventh day of June, eighteen hundred and ninety-five, and to make an award and render judgment therefor against the state and in favor of said claimant.

Award or judgment.

§ 2. No award shall be made or judgment rendered herein against the state, unless the facts proved shall make out a case against the state, which would create a liability, were the same established in evidence in a court of law or equity against an individual or corporation; and in case such liability shall be satisfactorily established, then the court of claims shall award to and render judgment for the claimant for such sum as shall be just and equitable, notwithstanding the lapse of time since the accruing of said damages, provided the claim hereunder is filed with the court of claims within one year after the passage of this act.

§ 3. This act shall take effect immediately.

Chap. 526.

AN ACT to confer jurisdiction upon the court of claims to hear, audit and determine the alleged claim of the town of Alabama, in the county of Genesee, against the state for damages alleged to have been sustained by said town, and render judgment therefor.

Became a law April 26, 1896, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Jurisdiction is hereby conferred upon the court of claims, to hear, audit and determine, the alleged claim of the town of Alabama, in the county of Genesee, against the state, for damages alleged to have been sustained by said town, by reason of the roads and highways of said town being overflowed by Tonawanda creek water from the canal feeder leading from Tonawanda creek to the Oak Orchard creek and by surface water and by water from natural water courses being intercepted by said canal feeder and which overflowed the banks of said feeder, and to make an award and render judgment therefor against the state and in favor of said claimant.

§ 2. No award shall be made or judgment rendered herein against the state, unless the facts proved shall make out a case against the state, which would create a liability, were the same established in evidence in a court of law or equity against an individual or corporation; and in case such liability shall be established satisfactorily, then the court of claims shall award to and render judgment for the claimant for such sum as shall be just and equitable, notwithstanding the lapse of time since the accruing of said damages, provided the claim hereunder is filed with the court of claims within one year after the passage of this act.

§ 3. This act shall take effect immediately.

Chap. 527.

AN ACT to confer jurisdiction upon the court of claims to hear, audit and determine the alleged claim of John Moore against the state, for damages alleged to have been sustained by him, and to render judgment therefor.

Became a law April 26, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Jurisdiction to hear claim.

Section 1. Jurisdiction is hereby conferred upon the court of claims to hear, audit and determine the alleged claim of John Moore, of the city of Syracuse, county of Onondaga and state of New York, against the state for damages alleged to have been sustained by him by reason of the failure of the state to pay for labor performed and material used by the said John Moore between the twenty-eighth day of June, in the year eighteen hundred and ninety-four, and the thirteenth day of August, in the year eighteen hundred and ninety-seven, at the request and by the direction of the board of managers of the New York State Reformatory for Women, at Bedford, Westchester county, New York, and to make, award and render judgment therefor against the state and in favor of said claimant.

Award or judgment.

§ 2. No award shall be made or judgment rendered herein against the state, unless the facts proved shall make out a case against the state, which would create a liability, were the same established in evidence in a court of law or equity against an individual or corporation; and in case such liability shall be satisfactorily established, then the court of claims shall award to and render judgment for the claimant for such sum as shall be just and equitable, notwithstanding the lapse of time since the accruing of such damages provided the claim herein is filed with the court of claims within one year after the passage of this act.

§ 3. This act shall take effect immediately.

Chap. 528.

AN ACT to enable the city of Albany to raise money for the grading and improvement of Beaver park.

Accepted by the city.

Became a law April 26, 1898, with the approval of the Governor. '

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The board of finance of the city of Albany is hereby empowered, whenever ~~so~~ authorized by the common council of said city by a resolution duly adopted by a vote of two-thirds of all the members elected thereto, and the approval of the mayor, to borrow on the faith and credit of said city of Albany a sum not exceeding fifteen thousand dollars, and to issue registered bonds of said city therefor, which bonds shall be signed by the said mayor and chamberlain, and shall be made payable, both principal and interest, at the office of the chamberlain in the city of Albany, the principal thereof in twenty annual payments following the first issue thereof, as nearly equal in amount as possible. They shall bear interest at the rate to be fixed by the board of finance of said city; not to exceed, however, five per centum per annum, payable semi-annually, and as fast as the money shall be required by the board of commissioners of Washington park, they shall be negotiated by said board of finance as hereinafter provided, and the money received therefrom shall be deposited with the city chamberlain of said city, who shall keep a separate account thereof and shall pay therefrom, upon the order of said board, their successors or successor, such sums as shall be required for the expenditures authorized by this act, provided that all vouchers for materials purchased by and furnished to said board of commissioners, and the pay-rolls showing names of persons employed and amount paid for labor in the performance of the work hereinafter referred to, shall be filed with said chamberlain. The negotiation of such bonds shall be by selling the same by the city chamberlain to the highest bidder at public auction at not less than par, giving at least ten days' previous notice of the time and place of sale by publication in the official city papers. The chamberlain of the city of Albany is hereby authorized to make advances for the necessary expendi-

Authority
to borrow
money.

Issue of
bonds.

Disposition
of pro-
ceeds.

Payments
to board.

Negotia-
tion of
bonds.

Advances
for expen-
ditures.

Expenses
under act.

ninety-seven, in the manner provided by the law. The board of apportionment of The City of New York shall provide for the expenses that may be necessarily incurred in the performance of the duties devolved upon the commission under this act.

This act shall take effect immediately.

Chap. 533.

AN ACT to exempt the real estate of "The Sisters of the Poor of Saint Francis," in the state of New York, from taxation, assessments and water rates.

Passed without the acceptance of the city.

Became a law April 26, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Exemption
of real
estate from
taxation.

Section 1. The real estate now owned or which may be hereafter acquired in The City of New York by "The Sisters of the Poor of Saint Francis" in the state of New York, a corporation created by chapter two hundred and one of the laws of eighteen hundred and sixty-six, for the gratuitous care of the sick, aged, infirm and poor, shall so long as said property shall be held or used exclusively for the purposes of said corporation, be exempt from any and all taxes, assessments and water rates heretofore or hereafter imposed, assessed or levied; and the officer, officers and official bodies having charge of such taxes, assessments and water rates are hereby required and directed to cancel and discharge any and all such taxes, assessments and water rates from the records of any department wherein they now or hereafter may exist.

§ 2. This act shall take effect immediately.

Chap. 534.

AN ACT to facilitate the collection and recovery of the assets of corporations for which receivers have been appointed.

Became a law April 26, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Examina-
tion of per-
sons con-
cerning
embezzle-
ment, etc.,
of prop-
erty.

Section 1. Whenever any receiver of a domestic corporation, or of the property within this state of any foreign corporation, shall

have been appointed and qualified, as provided in title two of chapter fifteen, or title eleven of chapter seventeen, of the code of civil procedure, either before, upon, or after final judgment or order in the action or special proceeding in which such appointment was made, shall, by his own verified petition, affidavit or other competent proof, show to the supreme court, at a special term thereof, held within the judicial district wherein such appointment was made, that he has good reason to believe that any officer, stockholder, agent or employe of such corporation, or any other person whomsoever, has embezzled or concealed, or withholds or has in his possession or under his control, or has wrongfully disposed of, any property of such corporation which of right ought to be surrendered to the receiver thereof; or that any person can testify concerning the embezzlement, concealment, withholding, possession, control or wrongful disposition of any such property, the court shall make an order, with or without notice, commanding such person or persons to appear at a time and place to be designated in the order, before the court or before a referee named by the court for that purpose, and to submit to an examination concerning such embezzlement, concealment, withholding, possession, control or wrongful disposition of such property; and at the time of making such order or at any time thereafter, the court may, in its discretion, enjoin and restrain the person or persons so ordered to appear and be examined from in any manner disposing of any property of such corporation which may be in the possession or under the control of the person so ordered to be examined, until the further order of the court in relation thereto. No person so ordered to appear and be examined shall be excused from answering any question on the ground that his answer might tend to convict him of a criminal offense; but his testimony taken upon such examination shall not be used against him in any criminal action or proceeding.

Order of
court to
appear.

Court may
restrain
disposal of
property.

Persons
not ex-
cused from
answering
questions.

§ 2. Any person so ordered to appear and be examined shall be entitled to the same fees and mileage, to be paid at the time of serving the order, as are allowed by law to witnesses subpoenaed to attend and testify in an action in the supreme court, and shall be subject to the same penalties upon failure to appear and testify in obedience to such an order as are provided by law in the case of witnesses who fail to obey a subpoena to appear and testify in an action.

Fees and
mileage.

Penalties
for failure
to appear.

Expenses
under act.

ninety-seven, in the manner provided by the law. The board of apportionment of The City of New York shall provide for the expenses that may be necessarily incurred in the performance of the duties devolved upon the commission under this act.

This act shall take effect immediately.

Chap. 533.

AN ACT to exempt the real estate of "The Sisters of the Poor of Saint Francis," in the state of New York, from taxation, assessments and water rates.

Passed without the acceptance of the city.

Became a law April 26, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Exemption
of real
estate from
taxation.

Section 1. The real estate now owned or which may be hereafter acquired in The City of New York by "The Sisters of the Poor of Saint Francis" in the state of New York, a corporation created by chapter two hundred and one of the laws of eighteen hundred and sixty-six, for the gratuitous care of the sick, aged, infirm and poor, shall so long as said property shall be held or used exclusively for the purposes of said corporation, be exempt from any and all taxes, assessments and water rates heretofore or hereafter imposed, assessed or levied; and the officer, officers and official bodies having charge of such taxes, assessments and water rates are hereby required and directed to cancel and discharge any and all such taxes, assessments and water rates from the records of any department wherein they now or hereafter may exist.

§ 2. This act shall take effect immediately.

Chap. 534.

AN ACT to facilitate the collection and recovery of the assets of corporations for which receivers have been appointed.

Became a law April 26, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Examina-
tion of per-
sons con-
cerning
embezzle-
ment, etc.,
of prop-
erty.

Section 1. Whenever any receiver of a domestic corporation, or of the property within this state of any foreign corporation, shall

have been appointed and qualified, as provided in title two of chapter fifteen, or title eleven of chapter seventeen, of the code of civil procedure, either before, upon, or after final judgment or order in the action or special proceeding in which such appointment was made, shall, by his own verified petition, affidavit or other competent proof, show to the supreme court, at a special term thereof, held within the judicial district wherein such appointment was made, that he has good reason to believe that any officer, stockholder, agent or employe of such corporation, or any other person whomsoever, has embezzled or concealed, or withholds or has in his possession or under his control, or has wrongfully disposed of, any property of such corporation which of right ought to be surrendered to the receiver thereof; or that any person can testify concerning the embezzlement, concealment, withholding, possession, control or wrongful disposition of any such property, the court shall make an order, with or without notice, commanding such person or persons to appear at a time and place to be designated in the order, before the court or before a referee named by the court for that purpose, and to submit to an examination concerning such embezzlement, concealment, withholding, possession, control or wrongful disposition of such property; and at the time of making such order or at any time thereafter, the court may, in its discretion, enjoin and restrain the person or persons so ordered to appear and be examined from in any manner disposing of any property of such corporation which may be in the possession or under the control of the person so ordered to be examined, until the further order of the court in relation thereto. No person so ordered to appear and be examined shall be excused from answering any question on the ground that his answer might tend to convict him of a criminal offense; but his testimony taken upon such examination shall not be used against him in any criminal action or proceeding.

Order of court to appear.

Court may restrain disposal of property.

Persons not excused from answering questions.

§ 2. Any person so ordered to appear and be examined shall be entitled to the same fees and mileage, to be paid at the time of serving the order, as are allowed by law to witnesses subpoenaed to attend and testify in an action in the supreme court, and shall be subject to the same penalties upon failure to appear and testify in obedience to such an order as are provided by law in the case of witnesses who fail to obey a subpoena to appear and testify in an action.

Fees and mileage.

Penalties for failure to appear.

Person to be sworn and entitled to counsel.

May be cross-examined, etc.

Adjournment of examinations.

Testimony.

Court may order delivery of property to receiver.

Final orders.

§ 3. Any person appearing for examination in obedience to such order shall be sworn by the court or referee to tell the truth, and shall be entitled to be represented on such examination by counsel, and may be cross-examined, or may make any voluntary statement in his own behalf concerning the subject of his examination which may seem to him desirable or pertinent thereto.

§ 4. The court before which such examination is taken, as well as the referee, if one be appointed for that purpose, shall have power to adjourn such examination from time to time, and may rule upon any question or objection arising in the course of such examination, to the same extent that might be done if the person so examined were testifying as a witness in the trial of an action.

§ 5. When the examination of any person under such order shall be concluded, the testimony shall be signed and sworn to by the person so examined, and shall be filed in the office of the clerk of the county where the action is pending, or was tried, in which the receiver was appointed; and if from such testimony it shall appear to the satisfaction of the court that any person so examined is wrongfully concealing or withholding, or has in his possession or under his control, any property which of right belongs to such receiver, the court may make an order commanding the person so examined forthwith to deliver the same to such receiver, who shall hold the same subject to the further order of the court in relation thereto; and otherwise, the court may, at the conclusion of any such examination, make such final order in the premises as the interests of justice require.

§ 6. This act shall take effect immediately.

Chap. 535.

AN ACT to amend chapter two hundred and two of the laws of eighteen hundred and ninety-seven, entitled "An act authorizing the board of supervisors of the county of Oneida to designate a board of equalization in and for said county, and defining its powers and duties."

Became a law April 26, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Act amended.

Section 1. Section five of chapter two hundred and two of the laws of eighteen hundred and ninety-seven is hereby amended so as to read as follows:

§ 5. Said board of equalization shall meet annually within the first twenty-five days, Sundays excepted, of the annual sessions of the board of supervisors, at the place where such annual session shall be held, and shall equalize the assessed valuation of the real estate of said county in the manner and in the form which boards of supervisors are authorized and required to do, and shall report the result of their action to the board of supervisors, and such result, concurred in by a majority of the members of said board of equalization, shall be the equalized valuation of said county for such year, and shall stand and be the equalization thereof by the said board of supervisors, with like force and effect as though made by said board of supervisors, subject only to review by certiorari as hereinafter provided. The date for the meeting of said board of equalization, as herein provided, shall be designated by the board of supervisors, and upon notice thereof by the chairman or clerk of said board, the board of equalization shall convene, as herein required, and enter upon the discharge of such duties.

Meeting
and
duties of
board.

§ 2. Sections sixteen and seventeen of said chapter are hereby renumbered as sections seventeen and eighteen respectively.

§ 3. Said chapter is hereby further amended by inserting a new section to be known and numbered as section sixteen, which shall read as follows:

§ 16. In any proceeding heretofore or hereafter commenced under this act to review the action of the board of equalization of said county by any town or city, it shall be lawful for the town board of a town, or the board of town auditors of a city, or the board of officers authorized to audit town charges against such town or city, to issue bonds of said town or city, in such sums and to such amounts as may be necessary to defray and provide for the reasonable and necessary expenses of prosecuting such proceeding (including counsel fees). Such bonds shall contain a recital that they are issued pursuant to this section, which recital shall be conclusive evidence of their validity and of the regularity of the issue, shall be made payable in one year from their date with interest at not exceeding five per centum per annum, and the amount thereof shall be levied upon such town or city by the board of supervisors of said county in the next succeeding annual levy of taxes. Such bonds shall be sold and negotiated by the officers issuing the same at the best price obtainable, not less than their par value, shall be valid and binding on the municipal

Issue of
bonds for
expense of
proceed-
ings.

Sale and
applica-
tion of pro-
ceeds.

Audit of
accounts.

Employ-
ment of
counsel,
etc.

Tax for
sums
allowed.

corporation so issuing them, and until payable shall be exempt from taxation for county, town, municipal or state purposes. The proceeds from the sale of such bonds shall be deposited with the supervisor of the town, or, if issued by a city, with the treasurer or chamberlain of such city, and shall be paid out by him only upon drafts therefor signed by the town board of the town, or in a city by the majority of the supervisors thereof. The accounts of the officers issuing or paying such drafts and all said expenses of the prosecution of said proceeding shall be audited as town charges are required by law to be audited in such city or town; and it is further provided that in any such proceeding heretofore or hereafter commenced the said board of supervisors may in its discretion employ counsel to defend such proceeding, and incur the necessary expenses of such defense; and that when in any such proceeding the said board of supervisors shall have heretofore or hereafter employed counsel, and incurred the expense of such defense, the same (including counsel fees) shall be a charge and expense upon the said county of Oneida; and the said board of supervisors shall allow and pay such expenses so incurred, and counsel fees of counsel so employed; and the sums so allowed therefor shall be levied and collected by said board of supervisors the same as other county charges and expenses.

§ 4. This act shall take effect immediately.

Chap. 536.

AN ACT to amend the state charities law, relative to the appointment of managers of the state industrial school, at Rochester.

Became a law April 26, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one hundred and twenty of chapter five hundred and forty-six of the laws of eighteen hundred and ninety-six, entitled "An act relating to state charities constituting chapter twenty-six of the general laws," is hereby amended to read as follows:

§ 120. State industrial school; managers. The State Industrial School, at Rochester, is hereby continued for the reception of all male and female children, under the age of sixteen years,

who shall be legally committed to such school as vagrants or on a conviction for any criminal offense by any court having authority to make such commitment. Such school shall be under the control and management of a board of fifteen managers appointed by the governor, by and with the advice and consent of the senate. Their term of office shall be three years, and they shall be so appointed that the terms of one-third shall expire on the first Tuesday of February in each year. All vacancies shall be filled by the governor and the person appointed to fill a vacancy shall hold office for the remainder of the term of the person whom he succeeds. In the discretion of the governor, persons of either sex may be appointed as managers of such school. Such managers shall serve without compensation.

§ 2. This act shall take effect immediately.

Chap. 537.

AN ACT to amend the tax law, relating to taxation of real property divided by line of tax district.

Became a law April 26, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section ten of chapter nine hundred and eight of the laws of eighteen hundred and ninety-six, entitled "An act in relation to taxation, constituting chapter twenty-four of the general laws," is hereby amended to read as follows:

§ 10: Taxation of real property divided by line of tax district. If a farm or lot is divided by a line between two or more tax districts, it shall be assessed to the owner in the district in which he resides. If the owner is not a resident of either district, it shall be assessed to the occupant in the district in which he resides. If the land is unoccupied and the owner does not reside in either district, the portion of such farm, lot or tract of land lying in each district shall be separately assessed therein. If such land is situated in two or more counties and is wild and uncultivated and not occupied and used for agricultural purposes, the portions of such land lying in each county shall be separately assessed therein. If there are several owners of such a farm or lot residing in different districts, each containing a part thereof, a ma-

jority of them may elect in which district it shall be assessed by serving a written notice thereof on the assessors of each district during the month of May, but if such owners do not make such election, the property shall be assessed in the tax district in which it is located. If the boundary line of a tax district passes through a building, any portion of which is used as a dwelling, the owner of such building, if occupying the same or residing in either tax district, and otherwise, the person occupying such building as a dwelling house, may elect in which district such building and the adjacent land, owned, occupied and connected therewith, shall be assessed, by serving a written notice of such election on the assessors of each tax district during the month of May; but if such election is not made, the property shall be assessed in the tax districts in which it is located.

§ 2. This act shall take effect immediately.

Chap. 538.

AN ACT to amend the town law, in relation to the licensing of hawkers and peddlers.

Became a law April 26, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Chapter five hundred and sixty-nine of the laws of eighteen hundred and ninety, entitled "An act in relation to towns, constituting chapter twenty of the general laws," is hereby amended by adding at the end of article seven thereof new sections to be sections one hundred and eighty-four, one hundred and eighty-five, one hundred and eighty-six and one hundred and eighty-seven thereof and to read as follows:

§ 184. Town board may prohibit hawking and peddling without license. The town board of any town may, by resolution, prohibit the hawking and peddling of goods or produce in public streets or places, or the vending of the same by calls from house to house, without a license; but such prohibition shall not apply to the peddling of meats, fish, fruit or farm produce, to the sale by sample or prospectus of goods, books or other merchandise where the same are not delivered at the time the order therefor is taken,

or so as to require a license from a honorably discharged soldier, sailor or marine of the military or naval service of the United States who has obtained a license from the county clerk to hawk, peddle, vend or solicit trade, in pursuance of law.

§ 185. **Issuance of licenses.** If any such occupation in any town shall be so prohibited, the town board thereof shall establish uniform annual fees for such licenses, and the town clerk shall issue a license, specifying the fee to be paid therefor, to any citizen of the United States, applying therefor, that he deems a suitable person to pursue such calling. Upon the presentation of such license to the supervisor of the town and the payment to him of the fee specified therein, the supervisor shall endorse upon the license a receipt of such payment and the date thereof. Such license shall take effect from the date of such payment; and shall continue in force for the term specified therein. Such a license shall not be issued for a longer term than one year nor for a shorter term than three months. Any applicant that has been refused such license by the town clerk may apply to the town board therefor; and the same may be granted or refused by the board.

§ 186. **Penalties.** Every person hawking or peddling goods or produce in the public streets or places, or vending the same by calls from house to house, in any town, the town board of which requires a license for the pursuit of such calling, without having obtained such license, or who refuses to produce such a license to any peace officer who demands inspection of the same, shall be liable to a penalty of twenty-five dollars, recoverable by the supervisor of the town in any court having jurisdiction thereof, and applicable to the support of the poor of the town. The refusal to produce such a license when demanded by a peace officer shall be presumptive evidence that such person is hawking, peddling or vending without a license. An action for a penalty imposed by this section shall not be maintained unless it is brought within sixty days after the commission of the offense charged.

§ 187. **Unlawful hawking or peddling, or refusal to produce a license a misdemeanor.** Any person who hawks, peddles, or vends without a license in any town, as required by this article, or contrary to the terms of his license, or who refuses to produce his license on the demand of a peace officer, is guilty of a misdemeanor.

§ 2. This act shall take effect immediately.

Chap. 539.

AN ACT to amend the village law, relating to lien of assessment for local improvements.

Became a law April 26, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one hundred and thirteen of chapter four hundred and fourteen of the laws of eighteen hundred and ninety-seven, entitled "An act in relation to villages, constituting chapter twenty-one of the general laws," is hereby amended to read as follows:

§ 113. Lien of assessment for local improvement. An assessment for paving, sewers, fire protection, constructing or repairing sidewalks, sprinkling streets, trimming trees, or keeping sidewalks or streets cleared of weeds, ice, snow or other accumulations, is a lien prior and superior to every other lien or claim, except the lien of an existing tax or local assessment, upon the real property improved or benefited from the date of the final determination of the amount thereof until it is paid or otherwise satisfied or discharged. No real property is exempt from assessment for a purpose specified in this section. Except as provided in section five of chapter two hundred and seventy-three of the laws of eighteen hundred and sixty-six, entitled "An act authorizing the incorporation of associations to erect monuments to perpetuate the memory of soldiers who fell in defense of the union," as amended by chapter two hundred and ninety-nine of the laws of eighteen hundred and eighty-eight.

§ 2. This act shall take effect immediately.

Chap. 540.

AN ACT to change the name of the C. J. Purcell Company of The City of New York.

Became a law April 26, 1898, with the approval of the Governor.

Passed, a majority being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The name of the C. J. Purcell Company, in The City of New York, is hereby changed to the Purcell and Fay Com-

pany and the charter of said company is hereby amended by inserting therein the name of "Purcell and Fay Company" in place of the name C. J. Purcell Company where the latter name shall occur and as thus amended the said charter shall be the charter of the said Purcell and Fay Company.

§ 2. Nothing herein contained shall in any way affect or impair any contract, liability, obligation or duty of the said C. J. Purcell Company of The City of New York, entered into or incurred before the alteration of said charter, with or to any person or persons, corporation or corporations with or to said company, or any action or proceeding instituted or that shall be instituted to enforce any contract, obligation, liability or duty in favor of or against said corporation; but any and all such contracts, obligations, liabilities or duties and proceedings shall be and remain valid and binding in all respects to the same extent and to be liable to be enforced by and against said company by the name of the Purcell and Fay Company in the same manner as if none of the alterations of said charter contained in this act had been made. Contract, etc., not affected.

§ 3. This act shall take effect immediately.

Chap. 541.

AN ACT to change the corporate name of the "Central Throat Hospital and Polyclinic Dispensary" of Brooklyn, to the "Central Hospital and Polyclinic."

Became a law April 26, 1898, with the approval of the Governor.
Passed, a majority being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The corporate name of the "Central Throat Hospital and Polyclinic Dispensary" of Brooklyn is hereby changed to "The Central Hospital and Polyclinic."

§ 2. This act shall take effect immediately.

Chap. 542.

AN ACT supplementary to an act entitled "An act to incorporate the Saint Lawrence Power Company, of Massena, Saint Lawrence county, New York," approved May nine, eighteen hundred and ninety-six, to enable the Saint Lawrence Power Company, of Massena, New York, to construct, maintain and operate its canal for navigation, water supply, illumination and other purposes, and to grant and confirm unto said company the power of eminent domain.

Became a law April 26, 1898, with the approval of the Governor.
Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Power of
company
to con-
struct, etc.,
canal and
works.

Section 1. The Saint Lawrence Power Company of Massena, New York, shall have the power to lay out, construct, maintain and operate its canal and works in the town of Massena, Saint Lawrence county, from the Saint Lawrence river to the Grass river, for the purposes of supplying pure and wholesome water, water power and electricity, or either thereof, to the village and town of Massena, Saint Lawrence county, and the inhabitants thereof, and to such other cities, towns and villages and the inhabitants thereof as may enter into contract therefor, and the generating, accumulating, storing, conducting, transmitting, using, selling, leasing, furnishing and supplying water, water power and electricity, or either thereof, for fire, illuminating, sanitary, municipal, domestic, commercial, manufacturing, agricultural, irrigation and navigation purposes, in such way or manner and at such reasonable rates and costs and on such conditions to consumers or users as may be deemed advisable and be agreed upon. Any city, town or village, by its authorities, may contract with said company for the supplying, delivery or use of pure and wholesome water, water power and electricity or any thereof, for fire, illuminating, sanitary, municipal or other public purposes, and said company shall furnish and supply water, water power and electricity or either thereof, for any of said purposes upon payment of just and reasonable tolls and compensation therefor and under reasonable regulations. The canal and locks of said company shall be open to the public use for navigation by vessels, boats and other craft upon payment of just and reasonable tolls and compensation therefor and under reasonable regulations.

Authorities
may con-
tract for
water,
power, etc.

Canal and
locks open
to public.

§ 2. The amount agreed to be paid for such water, water power and electricity by any city, town or village shall be annually raised, levied, assessed and collected in the same manner as other expenses of such city, town or village are or may be raised, and when collected shall be kept separate from other funds of such city, town or village and shall be paid over to said company by said authorities according to the terms and conditions of the contract in the special case; provided, however, that no such contract shall be made for a longer period than ten years; and provided further that in towns where there shall be an incorporated village constituting a part only of such town, no tax shall be levied upon the property within the village limits for the purposes of this act, except in pursuance of a contract between the authorities of such village and said company, notice of the execution of which shall have been published in a newspaper published in the village, or in case no newspaper shall be published in such village, then in a newspaper published and circulated in the county where such village is situated, once in each week for four successive weeks previous to the execution of said contract.

Annual tax
for con-
tracts.

Term of
contracts.

Proviso as
to levy of
village
taxes.

§ 3. Said company shall have power to cause the necessary examination and survey for its canal, conduits and water pipes to be made, and for such purposes by its officers, agents or servants to enter upon any lands or water, subject to liability for just compensation to the owner for all damage done. Said company shall also have the right to take and acquire by condemnation, in the manner provided by law and on payment of just compensation to the owner, any real property or any right, interest or easement therein required and necessary for the construction, maintenance or operation of its canal and for the flow of water therefrom and shall also have the right to lay, relay, repair and maintain conduits and water pipes with connections and fixtures, in, through or over the lands of others, for the purpose of supplying pure and wholesome water as aforesaid, on payment of like compensation. All property required by said company for the purpose of accumulating, storing, conducting, transmitting, furnishing and supplying water, water power and electricity or any thereof for any of the purposes mentioned in this act shall be deemed to be required for public use.

Examina-
tion and
survey of
canal.

Acquisi-
tion of
property.

Property
deemed for
public use.

§ 4. This act shall take effect immediately.

Chap. 543.

AN ACT to amend chapter seven hundred and twenty-seven of the laws of eighteen hundred and sixty-nine, entitled "An act authorizing cities and villages to acquire title to property for burial purposes and to levy taxes for the payment of the same," as amended by chapter seven hundred and sixty of the laws of eighteen hundred and seventy, in relation to the rights of lot holders.

Became a law April 26, 1898, with the approval of the Governor.
Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Chapter seven hundred and twenty-seven of the laws of eighteen hundred and sixty-nine, entitled "An act authorizing cities and villages to acquire title to property for burial purposes and to levy taxes for the payment of the same," as amended by chapter seven hundred and sixty of the laws of eighteen hundred and seventy, is hereby amended by adding thereto two new sections to read as follows:

§ 4. Lot owners' rights. Lots in such cemeteries shall be held indivisible, and upon the decease of a proprietor of such lot the title thereto shall descend to his heirs-at-law or devisees, subject, however, to the following limitations and conditions: If he leaves a widow and children, they shall have in common the possession, care and control of such lot during her life. If he leaves a widow and no children, she shall have the possession, care and control of such lot during her life. If he leaves children and no widow, they, or the survivor of them, shall in common have the possession, care and control of such lot during the life of the survivor of them. The parties having such possession, care and control of such lot during the term thereof, may erect a monument and make other permanent improvements thereon. The widow shall have the right of interment, for her own body in such lot, or in a tomb in such lot and a right to have her body remain permanently interred or entombed therein, except that her body may be removed therefrom to some other family lot or tomb with the consent of her heirs. At any time when more than one person is entitled to the possession, care or control of such lot, the persons so entitled thereto shall designate in writing to the clerk of the corporation which of their number shall represent the

lot, and on their failure to designate, the board of trustees or directors or commissioners of the corporation or commission shall enter of record which of said parties shall represent the lot, while such failure continues. The widow may at any time release her right in such lot, but no conveyance or devise by any other person shall deprive her of such right.

§ 5. The provisions of this act shall apply to all cemetery corporations mentioned in section one of this act and also to the cemetery corporations provided for in article three of the membership corporations law, and also to cemeteries belonging to religious corporations.

§ 2. This act shall take effect immediately.

Chap. 544.

AN ACT providing for the sale of land situated in the city of Auburn and held by the agent and warden of Auburn prison for the use of the state.

Became a law April 26, 1898, with the approval of the Governor.
Passed by a two-thirds vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The agent and warden of Auburn prison is hereby authorized and empowered to sell and convey, for a consideration to be determined by him, with the approval of the superintendent of state prisons, the following described premises, namely: All that certain piece or parcel of land belonging to the people of this state, situate in the city of Auburn, county of Cayuga, and state of New York, being part of the Garrow farm and bounded and described as follows: Beginning at a point in the center of Fitch avenue, eight chains and forty-three and one-half links west from the east line of the Garrow farm, and being the point where said center line intersects the west line of the premises now or formerly owned by Stephen C. Hoyt; running thence northerly along the west line of said Stephen C. Hoyt's land fourteen rods to the south line of the Fort Hill Cemetery Association lot; thence westerly along the south side of said cemetery lot four rods; thence southerly parallel with the first described line fourteen rods to the center of Fitch avenue; thence east along the

Sale of
land au-
thorized.

Descrip-
tion of
property.

Application of proceeds of sale.

center of Fitch avenue four rods to the place of beginning being a strip four rods wide off from the easterly side of said Garrow farm, and being the same premises conveyed to Louis E. Carpenter, agent and warden of Auburn prison, by deed dated fourth day of July, eighteen hundred and seventy-three, and occupied by said prison as a burial lot for deceased convicts. And the agent and warden of Auburn prison is further authorized and empowered to purchase with the proceeds of the sale of the said Fitch avenue lot, subject to the approval of the superintendent of state prisons, a suitable lot located outside of the limits of said city of Auburn, for the use of the said Auburn prison for the purposes aforesaid. The proceeds of such sale which are not required for the purchase of such lot shall be deposited to the credit of the prison in the same manner as other moneys received by him for the use of the prison.

§ 2. This act shall take effect immediately.

Chap. 545.

AN ACT directing the adjutant-general to deliver the battle flags of the Ninety-seventh Regiment of New York State Volunteers to the trustees or managers of the Munson Williams Memorial Hall of Utica.

Became a law April 26, 1898, with the approval of the Governor.
Passed by a two-thirds vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Delivery of flags to trustees.

Section 1. The adjutant-general is hereby directed to deliver two battle flags in his custody which belong to the Ninety-seventh Regiment of New York State Volunteers to the trustees or managers of the Munson Williams Memorial Hall in the city of Utica whenever such trustees or managers shall notify him that they are ready to receive such flags. Such trustees or managers shall deposit such flags in such Memorial Hall in a place assigned thereto, where they will be protected against loss or destruction and shall forever protect and preserve them.

Duty of trustees.

§ 2. This act shall take effect immediately.

Chap. 546.

AN ACT to amend subdivision one of section thirteen hundred and sixty-seven of chapter three hundred and seventy-eight of the laws of eighteen hundred and ninety-seven, entitled "An act to unite into one municipality under the corporate name of The City of New York, the various communities lying in and about New York harbor, including the city and county of New York, the city of Brooklyn and the county of Kings, the county of Richmond, and part of the county of Queens, and to provide for the government thereof," relating to appeals from municipal courts therein.

Accepted by the city.

Became a law April 26, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision one of section thirteen hundred and sixty-seven of chapter three hundred and seventy-eight of the laws of eighteen hundred and ninety-seven, entitled "An act to unite into one municipality under the corporate name of The City of New York, the various communities lying in and about New York harbor, including the city and county of New York, the city of Brooklyn and the county of Kings, the county of Richmond, and part of the county of Queens, and to provide for the government thereof," relating to appeals from municipal courts therein, is hereby amended so as to read as follows:

City
charter
amended.

1. An appeal from a judgment rendered in the municipal court of The City of New York may be taken to the supreme court in the cases and in the manner prescribed in articles first and second of title eight of chapter nineteen of the code of civil procedure. Such appeal shall be heard in such manner and by such justice or justices as the appellate division of the supreme court in the judicial department embracing the district wherein the action is brought shall direct, except that the appellate division of the second judicial department may direct that such appeal be heard directly before that court. The appellate court may reverse, affirm or modify the judgment appealed from, and where a judgment is reversed, may order a new trial in the municipal court in the district in which the action was brought. Where a judgment is modified or a new trial is ordered, costs shall be in the discretion of the appellate court.

Appeals
from
municipal
courts.

§ 2. This act shall take effect immediately.

Chap. 547.

AN ACT to confer jurisdiction upon the court of claims to hear, audit and determine the alleged claim of Sarah M. Holcomb against the state for damages alleged to have been sustained by her and to render judgment therefor.

Became a law April 26, 1898, with the approval of the Governor.
Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Jurisdiction to hear claim.

Section 1. Jurisdiction is hereby conferred upon the court of claims to hear, audit and determine the alleged claim of Sarah M. Holcomb, of the county of Delaware, against the state, for damages alleged to have been sustained by her, if any, for loss of title to lot number eighty-five in great lot three of the Ray tract, situate in the county of Delaware, by reason of the alleged lack of jurisdiction on the part of the comptroller to sell said lands for taxes, as appears by judgment of ejectment rendered against said Sarah M. Holcomb, in the supreme court of the state of New York, entered in the county of Delaware in March, eighteen hundred and ninety-six, and to render such award thereon as may be just.

Award or judgment.

§ 2. No award shall be made or judgment rendered herein in favor of claimant and against the state, unless the facts proved shall make out a case against the state, which would create a liability, were the same established in evidence in a court of law or equity against an individual or corporation and in case such liability shall be satisfactorily established, then the court of claims shall award to and render judgment for the claimants for such sum as shall be just and equitable, notwithstanding the lapse of time since the accruing of such damages, provided the claim hereunder is filed within one year after the passage of this act.

§ 3. This act shall take effect immediately.

Chap. 548.

AN ACT making an appropriation to compensate the stenographer to the commissioner appointed by the governor of the state of New York, on the eighteenth day of February, eighteen hundred and ninety-six, to inquire into the charges preferred against Edward J. H. Tamsen, as sheriff of the city and county of New York.

Became a law April 26, 1898, with the approval of the Governor.
Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The treasurer of the state shall pay, upon the warrant of the comptroller, out of any moneys in the treasury, not otherwise appropriated, so much of the sum of twelve hundred dollars, as may be audited and approved by the comptroller, for the fees and charges of Frank S. Beard as stenographer to the commissioner appointed to investigate and inquire into the charges preferred against Edward J. H. Tamsen, as sheriff of the city and county of New York.

§ 2. This act shall take effect immediately.

Chap. 549.

AN ACT to amend section one of an act to amend chapter ten of the laws of eighteen hundred and fifty-nine, entitled "An act to amend the act entitled 'An act to revise, amend and consolidate the several acts relating to the village of Whitesboro,' " passed June fourteenth, eighteen hundred and eighty-four, relative to fixing the boundary lines of said village.

Became a law April 26, 1898, with the approval of the Governor.
Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one of chapter ten of the laws of eighteen hundred and fifty-nine, entitled "An act to amend an act entitled 'An act to revise, amend and consolidate the several acts relating to the village of Whitesboro,' " is hereby amended to read as follows: Charter amended.

§ 1. All that part of the town of Whitestown, in the county of Oneida which is contained in the following bounds to wit: Village boundaries.

Beginning at the point where the patent line between the Sadaquada patent and Oriskany patent intersects and crosses the northerly line of land owned and occupied by the New York Central and Hudson River Railroad Company, and running thence on said patent line south forty-five degrees and forty-five minutes, west sixty-one chains and forty-four links to a stone monument marked corporation line eighteen hundred and eighty-four; thence south twenty-nine degrees and fifty-five minutes, east one hundred chains and eighty-eight links to a stone monument on the west bank of the Sadaquada creek, marked corporation line eighteen hundred and eighty-four and placed in lands owned by Horatio B. Curran; thence down the west bank of said creek as the same winds and turns to the northerly line of lands owned and occupied by the New York Central and Hudson River Railroad Company; thence westerly along said northerly line of the lands of the New York Central and Hudson River Railroad Company to the place of beginning, shall be hereafter known and distinguished by the name of "the village of Whitesboro," and the inhabitants residing within the bounds aforesaid shall be a body politic and corporate by the name aforesaid. Nothing in this section or in this act contained shall compel the said village to construct or maintain the highway bridges, within the bounds aforesaid, but they shall continue to be constructed and maintained by the town of Whitestown, except as otherwise provided for by law.

Highway
bridges.

Repeal.

§ 2. All acts and parts of acts inconsistent with this act are hereby repealed.

§ 3. This act shall take effect immediately.

Chap. 550.

AN ACT to provide the means, and making appropriations to pay the expenses of superintendence, maintenance and ordinary repairs of the canals for the fiscal year beginning on the first day of October, eighteen hundred and ninety-eight.

Became a law April 26, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

State tax
of 19-100 of
a mill for
canal fund.

Section 1. There shall be imposed for the fiscal year commencing on the first day of October, eighteen hundred and ninety-

eight, a state tax of nineteen one-hundredths of a mill on each dollar of the valuation of the real and personal property in this state subject to taxation, which tax shall be assessed, levied and collected by the annual assessment and collection of taxes for that year in the manner prescribed by law, and shall be paid by the several county treasurers into the treasury of this state, to be held by the state treasurer for the credit of the canal fund; and for appropriation to the purposes hereinafter designated.

§ 2. There is hereby appropriated from the proceeds of the tax authorized by the first section of this act, for paying the salaries and expenses of the collectors and compilers of statistics relating to the trade and tonnage of the canals, the expenses of the superintendence and ordinary repairs of the canals, the traveling expenses of the state engineer and surveyor, the salaries, traveling expenses, clerk hire and office expenses of the superintendent and assistant superintendents of public works, the clerk hire in the bureau of canal affairs and the incidental expenses of said bureau, and of the canal board, for the fiscal year commencing on the first day of October, eighteen hundred and ninety-eight, the sum of nine hundred and twenty-seven thousand five hundred dollars, to be distributed, applied, apportioned and disposed of as follows: For the salaries, traveling expenses, clerk hire and office expenses of the superintendent and assistant superintendents of public works, fifty thousand dollars or so much thereof as may be necessary. For the salaries of the section superintendents, thirty thousand dollars, or so much thereof as may be necessary. For the traveling expenses of the state engineer and surveyor, two thousand dollars; and for the traveling expenses of the deputy state engineer and surveyor and deputy superintendent of public works, one thousand dollars each, payable quarterly, in full, for all such expenses. For clerk hire in the bureau of canal affairs, six thousand dollars, or so much thereof as may be necessary. For the salaries and compensation of the engineers employed upon the ordinary repairs of the canal, including the incidental expenses of such engineers, thirty thousand dollars, or so much thereof as may be necessary. For the salaries and compensation of the collectors and compilers of the statistics relating to the trade and tonnage of the canals, and the inspectors and measurers of boats, including the incidental expenses of such collectors and inspectors, thirty

Appropriation of tax.

Supt. of public works and assistants.

Section superintendents.

Traveling expenses of state engineer, etc.

Bureau of canal affairs.

Engineers.

Collectors and compilers.

Incidental
expenses.

thousand dollars, or so much thereof as may be necessary. For the payment of such incidental and miscellaneous expenses as are necessary to be paid out of the canal fund and charged to the account of the Erie and Champlain canal fund and the canal debt sinking fund, seven thousand five hundred dollars, or so much thereof as may be necessary. For the payment of the expenses of lock tending and the ordinary repairs of the canals of the state, seven hundred and seventy thousand dollars, or so much thereof as may be necessary.

Lock tend-
ing and
repairs.

Payments
in anticipa-
tion of tax.

§ 3. In order that the appropriations made by this act may be made available when needed, and before the money can be realized from the tax authorized in the first section hereof, payment may be made from any moneys in the treasury to the credit of the canal fund until the said tax is collected and paid into the state treasury.

§ 4. This act shall take effect immediately.

Chap. 551.

AN ACT providing for the taxation for school purposes of the lands owned by the state and situate within the boundaries of joint school district number five, towns of Ovid and Romulus, in the county of Seneca, and making an appropriation for the erection of a new school building in said district.

Became a law April 26, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Comp-
troller to
pay por-
tion of
expenses.

Section 1. The comptroller is hereby directed to pay to the local school district authorities of joint school district number five, towns of Ovid and Romulus in the county of Seneca, nine fifteenths of the expense of erecting a new school building in said school district on being furnished with a certificate by the local school authorities that they have raised by local taxation upon the property of said district other than that owned by the state, six fifteenths of the total expense of the erection and furnishing of such new building, and the sum of nine hundred dollars, or so much thereof as may be necessary, is hereby appropriated for said purposes.

Appropriation.

Assessment of
state prop-
erty.

§ 2. The local school authorities of joint school district number five, towns of Ovid and Romulus in the county of Seneca, shall

hereafter assess the property owned by the state and situate within the boundaries of said district, exclusive of the improvements erected thereon by the state, at the same valuation as other farm lands in said district are assessed, and the comptroller shall hereafter pay to the school authorities of such district the amount of taxes levied upon the lands of the state for school purposes in said district, by virtue of this act, out of any moneys hereafter appropriated by the legislature for the payment of assessments for local improvements on property owned by the state.

Payment
of taxes by
comptroller.

§ 3. This act shall take effect immediately.

Chap. 552.

AN AOT to reappropriate certain unexpended balances of former appropriations.

Became a law April 26, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The following unexpended balances of former appropriations are hereby reappropriated to the same objects and purposes as in the original appropriation, viz.:

Reappropriation.

The sum of thirteen thousand five hundred and seven dollars and twenty-four cents, for extraordinary repairs and improvements on the western division of the canals, as provided in chapter nine hundred and forty-seven of the laws of eighteen hundred and ninety-six.

Repairs,
etc., of
western
division of
canal.

The sum of forty-eight thousand and five dollars and eighty-five cents, for establishing electrical communication on the canals, as provided in chapter nine hundred and forty-seven of the laws of eighteen hundred and ninety-six.

Electrical
communi-
cation on
canal.

The sum of eight thousand nine hundred and twenty-six dollars and forty-seven cents, for improving channel of Mud creek and providing drainage in Pendleton, Lockport and Royalton, as provided in chapter four hundred and seventy-seven of the laws of eighteen hundred and ninety-six.

Mud creek.

Drainage
in Pendle-
ton, etc.

The sum of eight thousand five hundred dollars for bridge at Canajoharie, as provided in chapter five hundred and ninety-two of the laws of eighteen hundred and ninety-four.

Bridge at
Canajoha-
rie.

The sum of seven thousand one hundred and seventy-five dollars, for bridge at Adam street, Lockport, as provided in chapter

Bridge at
Lockport.

five hundred and seventy-three of the laws of eighteen hundred and ninety-four.

Mole on
Houghtal-
ing island.

The sum of four hundred and eighty-four dollars and twenty-five cents, for improving mole on Houghtaling island, as provided in chapter nine hundred and fifty of the laws of eighteen hundred and ninety-six.

Highway
along Os-
wegatchie
river.

The sum of two thousand dollars, for repairing highway along Oswegatchie river, as provided in chapter nine hundred and fifty of the laws of eighteen hundred and ninety-six.

§ 2. This act shall take effect immediately.

Chap. 553.

AN ACT to amend chapter three hundred and twelve of the laws of eighteen hundred and sixty-one, entitled "An act to revise, amend and consolidate the several acts relating to the village of Sag Harbor," relating to the power of the trustees of said village to acquire a water works system and to borrow money for sewer and water purposes.

Became a law April 26, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Village
charter
amended.

Section 1. Section nine of chapter three hundred and twelve of the laws of eighteen hundred and sixty-one, is hereby amended by adding thereto the following subdivisions:

Powers of
trustees as
to water
works, etc.

27. To acquire, establish, regulate and repair public reservoirs, aqueducts, pumps, wells, fountains and watering and drinking places and to perform all the duties of a separate board of water commissioners with all the powers and subject to all the liabilities conferred by the act known as the village law upon such separate board of water commissioners.

May bor-
row money
for sewer
and water
purposes.

28. To borrow upon the credit of the village a sum not exceeding seventy thousand dollars for the purpose of establishing a sewer system and for the purpose of establishing or acquiring a water works system if the establishment or acquisition of either of such systems shall be authorized by the inhabitants of the village at a village meeting to be held as provided by law and to issue bonds therefor under the seal of the village and the signature of the president and clerk thereof which shall become due

Issue and
sale of
bonds.

within fifty years from the date of issue in such denomination not less than one hundred dollars nor more than one thousand dollars each as to the trustees shall seem expedient and they shall be so issued as to provide for the payment of the indebtedness in equal annual installments the first of which shall be payable not more than five years from their date and they shall bear interest at a rate not exceeding five per centum per annum, payable semi-annually, and shall be negotiated for not less than their par value, and they shall be sold, all together or from time to time, and in such amounts as the trustees may determine, on sealed proposals or at public auction upon notice published in the official paper, if any, and also in each other newspaper actually printed in the village, and in such other newspapers as the board of trustees may determine, and posted in three public places in the village at least ten days before the sale to the person who will take them at the lowest rate of interest and they shall be consecutively numbered from one to the highest number issued, and the clerk shall keep a record of the number of each bond or obligation, its date amount rate of interest when and where payable and the purchaser thereof or the person to whom they are issued but no such money shall be borrowed or such bonds issued until the trustees shall be authorized to borrow such moneys and to issue such bonds by the taxable inhabitants of the village at an annual or special meeting to be called for that purpose, and such meeting shall determine upon the amount to be borrowed for sewer purposes and upon the amount to be borrowed for water works purposes separately and the moneys borrowed for sewer purposes shall be expended under the direction and upon the order of the board of sewer commissioners for the expenses of sewer construction and for no other purpose, and the moneys borrowed for water works purposes shall be expended by the trustees solely for the purchase or construction of a water works system, and for no other purpose. If the village shall acquire the existing water works system of the Sag Harbor Water Company the payment of the outstanding bonds of that company may be assumed by the village but the amount thereof shall not be considered as a part of the sum herein authorized to be borrowed.

Record of
bonds
sued.

Approval
of tax-
payers.

Expendi-
ture of pro-
ceeds.

Payment
of out-
standing
bonds of
water
works com-
pany.

§ 2. Section forty-four of said act is hereby amended to read as follows:

§ 44. The trustees are authorized and empowered to raise money by tax to be assessed upon the estate real and personal

Annual vil-
lage tax.

Limita-
tion.

Approval
of tax-
payers.

Tax for
interest
and prin-
cipal of
bonds

within the bounds of the corporation to be collected from the several owners or occupants thereof to pay all contingent and stated expenses of said corporation according to the provisions of this act and to carry out its several powers and privileges. But no larger amount than two thousand five hundred dollars shall be levied and collected in any one year for any and all purposes under the provisions of this act, except for street and sewer expenses, and for the expenses of the establishment and maintenance of a sewer system and for the expenses of the establishment or acquisition and maintenance of a water supply system and for the payment of the principal and interest of any bonds to be issued by the trustees pursuant to law, and no tax shall be levied or collected except for street expenses, and for the payment of the principal and interest of any bonds to be issued by the trustees pursuant to law, until the same shall have been authorized by a vote of a majority of the inhabitants liable to be taxed therefor present at an annual or special meeting duly called for the purpose; and every motion or resolution authorizing the raising of any tax shall specify the object for which such tax is to be imposed and all moneys collected in pursuance thereof may be expended for such object but for none other. It shall be the duty of the trustees to raise annually by taxation in addition to the amounts above specified, and in the same manner such additional sum of money as will pay the interest as it falls due upon any bonds to be issued pursuant to law and then outstanding and so much of the principal of said bonds as will mature during the year then next ensuing.

§ 3. This act shall take effect immediately.

Chap. 554.

AN ACT to authorize towns to purchase the works, property and franchises of any water-works company which supplies such town with water, and to provide for payment for the same.

Became a law April 26, 1898, with the approval of the Governor.
Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Acquisi-
tion of
works, etc.,
authorized.

Section 1. Any town in this state which has a contract with a water-works company for supplying such town, or any portion

thereof, with water, may acquire the works, franchises and property of such water-works company, in the following manner:

§ 2. Upon the written petition of not less than one-tenth in number of the taxpayers of such town, who shall be assessed for at least one-tenth of the total amount of the property assessed in said town, the supervisor of the town shall ascertain the price which the water-works company will accept for its work, franchises and property, and shall submit to the lawful voters of such town at the next town meeting the question whether such works, franchises and property shall be purchased at the price specified as aforesaid.

Petition of taxpayers.

Submission of question to voters.

§ 3. Notice that such question will be so submitted to the voters of the town shall be given by publishing the same once a week, for at least four weeks, immediately preceding the election, in every newspaper published in said town, and by posting a copy of such notice conspicuously in the office of the clerk of such town at least thirty days prior to the day for voting; and the clerk of such town shall see that such notice is so published and posted.

Notice of submission of question.

§ 4. At such election each qualified voter shall be given an opportunity to vote either for or against such proposed purchase. If a majority of the votes cast on the question shall be for making the proposed purchase, the supervisor of the town shall forthwith make and enter into a contract with such water company for the transfer of such company's works, franchises and property to such town; and the said town officers are hereby authorized and empowered to enter into such contracts and to bind their respective towns thereby. And such companies are authorized and empowered to make such contracts and to do whatever is necessary to fulfill them.

Rights of voters.

Contracts with water company.

§ 5. At the time of making such a contract the water-works company shall make and deliver to said officers of the town a full, true and accurate statement in detail of all its debts, contracts, obligations and responsibilities of every sort, and such statement shall be verified by the president or treasurer of said company. The amount of such liabilities shall be carefully estimated by the officers acting on behalf of the town and the gross amount thereof shall be deducted from the purchase price named. Should there be any difference between said town officers and such company as to the amount of such liabilities the same shall

Statement of debts, etc., of company.

Deduction from purchase price.

be referred by them to the county judge of the county and decided by him.

Raising of
net amount
to be paid.

§ 6. As soon as the amount of the company's liabilities has been thus ascertained and deducted and the net amount remaining to be paid for said company's works, property and franchises has been thus determined, the town board of the town shall proceed to raise the money and carry out in behalf of the town the contract so made.

Issue of
town
bonds.

§ 7. Such town board shall make and issue bonds of the town for the entire amount of the purchase price of the property, works and franchises to be purchased as agreed on and voted for as aforesaid. Such bonds shall run for not more than thirty years and shall bear interest at a rate not exceeding five per centum per annum, and shall be a valid and binding obligation upon the town, in behalf of which they shall be issued. They may contain such provisions as to payment of a part of those issued at such times, short of the full term for which they might run, as in the judgment of the town board issuing them would be advantageous to the town bound thereby.

Sale and
application
of pro-
ceeds.

§ 8. Said town board shall proceed to sell such bonds, at either public or private sale, for the best price obtainable not less than par. Out of the proceeds of such sale said board shall pay to the water-works company that portion of the purchase price agreed on and voted for as aforesaid, which remains due the company, after making the deductions mentioned in the fifth section of this act, upon receiving an assignment or transfer of all the works, property and franchises of said company, duly executed by said company or by the proper officers thereof, in its name and behalf. The balance of the proceeds of such bonds shall be used as far as, and when, necessary to discharge the debts, liabilities and obligations of said water-works company.

Consent of
stock-
holders of
company.

§ 9. Before naming the price for the property, franchises and works of any company under this act, as contemplated in the second section of this act, the officers thereof must obtain authority so to do from a majority in number and amount of the stockholders, such consent shall be given in writing and duly signed and acknowledged by the stockholders.

Debts of
company
a town
charge.

§ 10. Upon making such transfer and conveyance to the town the debts, liabilities and obligations of said company, which has been included in the statement referred to in the fifth section

of this act, shall become a charge upon the town and may be enforced against it. And if the company should be called upon to pay any claim or to do any act on or on account of such debts, liabilities or obligations, it may enforce the same against the town.

Company
may en-
force same
against
town.

§ 11. The works, franchises and property thus purchased, shall be managed and controlled for and in behalf of such town by the town board which purchased the same and their respective successors in office.

Manage-
ment and
control of
works.

§ 12. This act shall take effect immediately.

Chap. 555.

AN ACT to establish a state board of embalmers, and to regulate the practice of embalming.

Became a law April 26, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. From and after the first day of July, eighteen hundred and ninety-eight, there shall be a board of embalming examiners of the state of New York. The board shall consist of five members, each of whom shall serve for a term of three years from the date when his appointment shall take effect, except that those first appointed shall serve as follows: One for one year, two for two years and two for three years, from the date their appointment takes effect, respectively, and except in the case of appointment to fill vacancy. The power of appointment shall vest in the governor of the state of New York. Any vacancies occurring in the board herein provided for shall be filled by said governor for the unexpired term. The governor shall, in his first appointments, designate the number of years each appointee shall serve, and may remove from office any member of said board of examiners for continued neglect of any of the duties imposed upon him by this act, or for incompetency or improper conduct. No person shall be eligible to appointment as a member of said board unless he shall have had an experience of at least five years as a practical embalmer.

Board of
embalming
examiners.

Vacancies.

Appoint-
ments and
removals.

Eligibility
to office.

§ 2. Said board, so appointed, and its successors, shall be known by the name "Board of Embalming Examiners of the State of

Corporate
name.

Certificates
of appoint-
ments and
oaths.

First meet-
ing of
board.

Tests for
determin-
ing wheth-
er life is
extinct.

Power to
issue
subpoenas

Rules and
regulations

Examina-
tion ques-
tions.

New York." Every person appointed to serve on said board shall receive a certificate of his appointment from the governor of the state of New York, and within ten days after receiving such certificate, shall take, subscribe and file, in the office of the secretary of state, the oath prescribed by the twelfth article of the constitution of the state of New York. The first meeting of the members of said board shall be held within sixty days after their appointment as aforesaid, at a time and place to be fixed by a majority thereof, who shall give suitable notice thereof to said members. At such meeting the board may adopt a common seal, and shall elect from its membership a president and secretary. And at said meeting said board shall arrange to secure from five well-known physicians of this state their opinions as to what constitutes the best tests for determining whether life is extinct, and upon their report the board of embalmers shall prescribe the using of such tests, before embalming, as they may deem necessary; and all persons thereafter embalming the dead shall apply such tests prescribed before injecting any fluid into any body. Said board, by its presiding officer, for the time being, may issue subpoenas and administer oaths to witnesses, and a quorum of said board, which shall consist of not less than three members, and any committees thereof, is hereby authorized to take testimony concerning matters within its jurisdiction. Said board shall, from time to time, make and adopt rules, regulations and by-laws not inconsistent with law, whereby the performance of the duties of said board and the transaction of the business and the practice of embalming shall be regulated and performed, subject to the approval of the state board of health. A certified copy of any of said rules and regulations, attested as true and correct by the secretary of said board of embalmers, shall be presumptive evidence of the regular making, adoption and approval thereof.

§ 3. For the purpose of providing for and securing uniform examination throughout the state, and requiring a proper standard of qualification for all candidates, the said board of embalming examiners shall, immediately after its first meeting, submit to the state board of health of the state of New York, lists of examination questions for the thorough examination of applicants for license as embalmers, in accordance with the rules and regulations made, adopted and approved as hereinbefore prescribed. Said examination questions shall pertain to embalming, sanitation and disinfection of bodies dying of a contagious disease, apartments, bed-

ding, clothing, etc. For the purpose of examining applicants for license as embalmers the said state board of health shall appoint the times and places for holding examinations, which examinations shall be held at least bi-monthly in each and every year. Such appointment shall be made with due regard to the convenience of applicants and the public service. Said state board of health shall also prescribe the mode and manner of such examinations and appoint the examiner to conduct the same, and such examinations shall be had and taken upon questions selected by said state board of health from the lists hereinbefore required to be submitted by said board of embalming examiners, and upon such other questions as they shall deem proper.

Times and places of examinations.

Manner, etc., of examination.

§ 4. It shall be the duty of any person engaged in the business of embalming the dead, at the time of the passage of this act, and who shall desire to continue in the same, to cause, before the first day of January, eighteen hundred and ninety-nine, an application, containing his name, residence and place of business, and a statement that at the time of the passing of this act such applicant was actually and actively engaged in such business at the place named therein—such application to be signed by the applicant and the statements therein contained to be duly verified before an officer authorized to take acknowledgments—to be registered with said board of embalming examiners, whose secretary shall keep a book for the purpose, and enter such registration therein upon the payment of a fee of five dollars, whereupon the said board of embalming examiners shall issue to such applicant the license provided for in this act.

Registration and licensing of persons now engaged in business.

§ 5. From and after the passage of this act, every person desiring to engage in the business or practice of embalming, within the state of New York, and not already engaged therein, shall make a written application to the said board of embalming examiners for an embalmer's license, accompanying the same with the application fee of five dollars, and with a certificate of some reputable person, that said applicant is more than twenty-one years of age, is of good moral character, and has obtained a common school education, whereupon the secretary of said board of embalming examiners shall issue to said applicant a permit to enter any examination held pursuant to the provisions of this act. At the close of every such examination, the questions submitted and the answers made thereto by the applicant, shall be forthwith delivered, by the examiner conducting such examina-

Application for license.

Delivery of examination papers to board.

Report to
state board
of health.

tion, to the board of embalming examiners, who shall, without unnecessary delay, transmit to the state board of health an official report thereon, signed by its president and secretary, stating in detail the result of the examination of each candidate. Such report shall embrace all the examination papers, questions and answers thereto, and shall be kept for reference and inspection among the public records of the state board of health.

Duty of
state board
of health.

§ 6. On receiving such official reports of the examination of applicants for license, the state board of health shall examine and verify the same, and, thereupon, recommend for license by the board of embalming examiners, those applicants who shall, in their judgment, be duly qualified to practice embalming of human dead bodies in the state of New York, upon said applicant paying to the secretary of the board of embalming examiners an examining and licensing fee of ten dollars. Said license, when issued, shall be recorded by the board of embalming examiners, and such record shall be open to public inspection, and a copy thereof, duly certified as correct by the secretary of the board of embalming examiners, shall be entitled to be admitted in evidence in any of the courts of this state, and shall be presumptive evidence as to the facts therein contained. And any person obtaining a license under this act shall register that fact at the office of the board of health of the city, town or place in which it is proposed to carry on said business, and shall display said license in a conspicuous place in the office of the place of business of such licensee.

License fee

Record of
license.

Registra-
tion of
license.

License not
assignable,
etc.

§ 7. No license granted or issued under the provisions of this act shall be assignable, and every such license shall specify by name the person to whom it shall be issued, and not more than one person shall carry on said business under one license. Except that this section shall not apply to any personal representative of any deceased embalmer to whom a license shall have been issued under this act who engages in the business of undertaking and embalming with a person duly authorized to practice the same under the provisions of this act.

Applica-
tion of
license.

§ 8. From the income derived by this act, the board of embalming examiners may pay, not to exceed said income, all proper expenses incurred by reason of its provisions, including those incurred by the said state board of health.

Transac-
tion of
business,
etc., with-
out a
license pro-
hibited.

§ 9. On and after the first day of January, eighteen hundred and ninety-nine, no person to whom a license has not been issued as prescribed by section four of this act, or who has not passed

the examination herein prescribed and been licensed as herein specified, shall transact the business or practice of embalming of human dead bodies within this state, except that nothing in this act contained shall apply to commissioned medical officers in the army of the United States, or in the United States marine hospital service while so commissioned, or anyone actually serving as a member of the resident medical staff of any legally incorporated hospital, or to any person duly licensed to practice as physicians or surgeons in this state.

§ 10. Any and every violation of any of the provisions of section nine of this act, or any of the rules and regulations in reference to the business and practice of embalming human dead bodies, made and duly approved as by this act prescribed, is hereby declared to be a misdemeanor. Misdemeanor.

§ 11. This act shall take effect immediately.

Chap. 556.

AN ACT to amend section one hundred and twenty of chapter six hundred and eighty-nine of the laws of eighteen hundred and ninety-two, entitled "An act in relation to banking corporations," relative to appraisals.

Became a law April 26, 1898, with the approval of the Governor.
Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one hundred and twenty of chapter six hundred and eighty-nine of the laws of eighteen hundred and ninety-two, entitled "An act in relation to banking corporations," is hereby amended so as to read as follows:

§ 120. **Personal security prohibited; loans on bond and mortgage.** The trustees of any savings bank shall not loan the moneys deposited with them or any part thereof, upon notes, bills of exchange, drafts or any other personal securities whatever. In all cases of loans upon real property, a sufficient bond secured by a mortgage thereon, shall be required of the borrower, and all expenses of searches, examinations and certificates of title, and of drawing, perfecting and recording papers, shall be paid by the borrower.

§ 2. This act shall take effect immediately.

Chap. 557.

AN ACT to amend the agricultural law, relative to the inspection of dairy products.

Became a law April 26, 1898, with the approval of the Governor.
Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section twelve of article one of chapter three hundred and thirty-eight of the laws of eighteen hundred and ninety-three, entitled "An act in relation to agriculture, constituting articles one, two, three, four and five of chapter thirty-three of the general laws," and known as the agricultural law, is hereby amended to read as follows:

§ 12. Inspection, how conducted. When the commissioner of agriculture, an assistant commissioner, or any person or officer authorized by the commissioner, or by this chapter, to examine or inspect any product manufactured or offered for sale shall in discharge of his duties take samples of such product, he shall before taking a sample, request the person delivering the milk or who has charge of it at the time of inspection, to thoroughly stir or mix the said milk before the sample is taken. If the person so in charge refuses to stir or mix the milk as requested, then the person so requesting shall himself so stir and mix the milk before taking the sample, and the defendant shall thereafter be precluded from introducing evidence to show that the milk so taken was not a fair sample of the milk delivered, sold, offered or exposed for sale by him. The person taking the sample of milk for analysis shall take duplicate samples thereof in the presence of at least one witness, and he shall in the presence of such witness seal both of such samples, and shall tender, and, if accepted, deliver at the time of taking one sample to the manufacturer or vendor of such product, or to the person having custody of the same, with a statement in writing of the cause of the taking of the sample. In taking samples of milk for analysis at a creamery, factory, platform or other place where the same is delivered by the producer for manufacture, sale or shipment, or from a milk vendor who produces the milk which he sells, with a view of prosecuting the producer of such milk for delivering, selling or offering for sale

adulterated milk, the said commissioner of agriculture or assistant or his agent or agents shall within ten days thereafter, with the consent of the said producer, take a sample in a like manner of the mixed milk of the herd of cows from which the milk first sampled was drawn and shall deliver the duplicate sample to the said producer and shall cause the sample taken by himself or his agent to be analyzed. If the sample of milk last taken by the commissioner of agriculture or his agent or agents shall upon analysis prove to contain no higher percentage of milk solids, or no higher percentage of fat than as the sample taken at the creamery, factory, platform or other place, then no action shall lie against the said producer for violation of subdivisions one, two, three, seven and eight of section twenty of the agricultural law. In taking a second sample as above set forth from the mixed milk of the herd, it shall be the duty of the commissioner of agriculture to have an assistant, agent or agents present during the entire time in which the said cattle are being milked to observe closely so as to be sure that the milk thus to be sampled is not adulterated and to see that it is thoroughly mixed so that the sample taken shall be a fair sample of the average quality of the mixed milk of the entire dairy or herd of cows of said producer. If, however, the said producer refuses to allow such examination of the milk produced by his dairy then he shall be precluded from offering any evidence whatever tending to show that the milk delivered by him at the said creamery, factory, platform or other place was just as it came from the cow. If the said producer does permit such examination the commissioner of agriculture shall, upon receiving application therefor, send to said producer a copy of the analysis of each of the samples of milk so taken and analyzed as above provided.

§ 2. This act shall take effect immediately.

Chap. 558.

AN ACT to amend the agricultural law, in relation to penalties.

Became a law April 26, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section thirty-seven of chapter three hundred and thirty-eight of the laws of eighteen hundred and ninety-three,

entitled "An act in relation to agriculture, constituting articles one, two, three, four and five of chapter thirty-three of the general laws," as amended by chapter five hundred and fifty-four of the laws of eighteen hundred and ninety-seven, is hereby amended to read as follows:

§ 37 Penalties. Every person violating any of the provisions of articles two and three shall forfeit to the people of the state of New York a sum not less than twenty-five dollars nor more than one hundred dollars for every such violation. When such violation consists of the manufacture or production of any prohibited article, each day during which or any part of which such manufacture or production is carried on or continued, shall be deemed a separate violation of the provisions of this article. When the violation consists of the sale, or the offering or exposing for sale or exchange of any prohibited article or substance, the sale of each one of several packages shall constitute a separate violation, and each day on which any such article or substance is offered or exposed for sale or exchange, shall constitute a separate violation of this article. When the use of any such article or substance is prohibited, each day during which or any part of which said article or substance is so used or furnished for use, shall constitute a separate violation, and the furnishing of the same for use to each person to whom the same may be furnished shall constitute a separate violation. Whoever by himself or another violates any of the provisions of articles two and three of said chapter, shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than twenty-five dollars, nor more than two hundred dollars, or by imprisonment of not less than one month nor more than six months or by both such fine and imprisonment, for the first offense; and by six months' imprisonment for the second offense.

§ 2. This act shall take effect immediately.

Chap. 559.

AN ACT to amend chapter three hundred and thirty-eight of the laws of eighteen hundred and ninety-three, entitled "An act in relation to agriculture, constituting articles one, two, three, four and five of chapter thirty-three of the general laws," relative to branding cheese.

Became a law April 26, 1898, with the approval of the Governor.
Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section thirty-three of chapter three hundred thirty-eight, of the laws of eighteen hundred ninety-three, is hereby amended so as to read as follows:

§ 33. **Manufacturer's brand of cheese.** Every manufacturer of full-milk cheese may put a brand upon each cheese indicating "full-milk cheese," and the date of the month and year when made; and no person shall use such a brand upon any cheese made from milk from which any of the cream has been taken. The commissioner of agriculture shall procure and issue to the cheese manufacturers of the state, on proper application therefor, and under such regulations as to the custody and use thereof as he may prescribe, a uniform stencil brand, bearing a suitable device or motto, and the words, "New York state full-cream cheese." Every such brand shall be used upon the outside of the cheese and shall bear a different number for each separate factory. The commissioner shall keep a book, in which shall be registered the name, location and number of each manufactory using the brand, and the name or names of the persons at each manufactory authorized to use the same. No such brand shall be used upon any other than full-cream cheese or packages containing the same.

§ 2. This act shall take effect immediately.

Chap. 560.

AN ACT to authorize the Walton Hose Company, in the village of Chester, New York, to increase the number of its members.

Became a law April 26, 1898, with the approval of the Governor.
Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The board of fire commissioners of the village of Chester is hereby authorized to increase the membership of the

Increase of
member-
ship au-
thorized.

Members
legally de-
signated.

Walton Hose Company of Chester, New York, to a number not exceeding seventy-five. Appointments to membership in such company shall be made and vacancies therein shall be filled in the manner prescribed by the village laws, but at no time shall the number of the members thereof exceed seventy-five. The members of such hose company who were designated as such since January first, eighteen hundred and ninety-five, in excess of the number which is prescribed as the limit of membership for hose companies by chapter two hundred and forty-four of the laws of eighteen hundred and eighty-seven, and section two hundred and two of the village law, shall be deemed to be legally designated as members of such company and shall be entitled to the same rights and privileges as if such limit of membership had not been exceeded.

§ 2. This act shall take effect immediately.

Chap. 561.

AN ACT to amend chapter five of the laws of eighteen hundred and eighty-nine, entitled "An act to create the Mount McGregor Memorial Association," and the act amendatory thereof.

Became a law April 26, 1898, with the approval of the Governor.
Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Act
amended.

Section 1. Section one of chapter five of the laws of eighteen hundred and eighty-nine, entitled "An act to establish the Mount McGregor Memorial Association," is hereby amended to read as follows:

Corpora-
tors.

§ 1. William J. Arkell, Watson T. Dunmore, Albert D. Shaw, department commander of the Grand Army of the Republic for the department of New York, C. W. Tillinghast, adjutant-general of the state of New York, and Robert F. Knapp are hereby created a body politic and corporate, to be known as the Mount McGregor Memorial Association, which association shall be located in the town of Moreau, in the county of Saratoga, in this state. The corporation hereby created shall have all the rights and privileges necessary to accomplish the object of its creation as declared in this act.

Corporate
name and
rights.

§ 2. The successors of the said Albert D. Shaw and C. W. Tillinghast, in their said respective offices, shall be their successors respectively as corporators of said association, so long as there shall be successors in said offices. Vacancies in said board of corporators occurring from any cause, other than is here provided, shall be filled by the remainder of the board when a vacancy occurs. In case of a failure to fill vacancies as hereinbefore provided, the governor of the state shall fill the same.

§ 3. This act shall take effect immediately.

Chap. 562.

AN ACT to extend the time of the Little Falls, Van Hornesville and Otsego Lake Narrow Gauge Railroad Company to begin the construction of its road and expend thereon ten per centum of the amount of its capital and finish and put the same in operation.

Became a law April 26, 1898, with the approval of the Governor.
Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The time of the Little Falls, Van Hornesville and Otsego Lake Narrow Gauge Railroad Company for beginning the construction of its road and expending thereon ten per centum of its capital, is hereby extended until twelve years from the date of filing its certificate of incorporation, and the time for finishing its road and putting it in operation is hereby extended until fifteen years from the date of such filing.

§ 2. This act shall take effect immediately.

Chap. 563.

AN ACT to provide for the drainage of the Conewango valley in Cattaraugus and Chautauqua counties, and making an appropriation therefor.

Became a law April 26, 1898, with the approval of the Governor.
Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The sum of twenty-five thousand dollars, or so much thereof as may be necessary, is hereby appropriated out

Appropriation for drainage of valley.

of any moneys in the treasury not otherwise appropriated, to be expended by the superintendent of public works in the drainage of low lands in the Conewango valley, in the counties of Cattaraugus and Chautauqua, in accordance with plans and recommendations of the state engineer and surveyor. Such money may be expended by the superintendent of public works in completing the work of draining low lands in such valley, commenced by commissioners appointed in proceedings in the supreme court for that purpose, or the superintendent may, in his discretion, apply money appropriated by this act, or any part thereof, in paying for the work already done by such commissioners.

§ 2. This act shall take effect immediately.

Chap. 564.

AN ACT in relation to unpaid taxes, water rates and rents in that part of The City of New York constituting the city of Long Island City prior to January first, eighteen hundred and ninety-eight.

Accepted by the city.

Became a law April 26, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Payment
and dis-
charge of
unpaid
taxes, etc.

Section 1. Any tax heretofore levied for city, ward, state and county purposes and all water rates and rents in arrears at the time of the passage of this act, in that part of the city of New York which heretofore and before the first day of January, eighteen hundred and ninety-eight, formed and constituted the city of Long Island City, in the county of Queens, may be paid and discharged of record at any time before the fifteenth day of September, eighteen hundred and ninety-eight, with interest at the rate of two per centum per annum.

Redem-
ption from
sales.

§ 2. Any lot, piece or parcel of land within the boundaries of that part of the city of New York constituting the city of Long Island City, prior to January first, eighteen hundred and ninety-eight, which has been heretofore sold for unpaid taxes and water rates or rents, where the same was bid in in the name of said Long Island City, and where the certificates of sale have not been

assigned at the date of the passage of this act, may be redeemed from such sale and sales by the payment of the face of the tax or taxes and water rates or rents for which the same was sold, with interest at the rate of two per centum per annum, and such taxes and water rates shall be thereby satisfied and discharged of record; provided such payment be made prior to the thirty-first day of December, eighteen hundred and ninety-eight.

§ 3. The receiver of taxes of The City of New York is hereby authorized, empowered and required to receive and receipt for all moneys which may be paid under this act, and he is hereby further authorized and empowered to purchase and obtain all necessary books and stationery and to employ necessary assistants for the proper performance of the duties hereby imposed upon him by this act, at an expense, however, including the advertising hereinafter directed, of not to exceed three thousand dollars, such expense to be paid out of the taxes and water rates or rents collected and received under the provisions of this act. Duty of receiver of taxes.

§ 4. Within twenty days after the passage of this act, said tax receiver shall give public notice of the provisions of this act by advertisement in an official newspaper published in The City of New York, and also in one other newspaper published within the boundary of what was formerly the city of Long Island City; such notice to be published not less than twice a week, for three successive weeks. Notice to be published.

§ 5. All sums of money paid under this act, except the expenses mentioned in section three hereof, shall be paid over by the said receiver of taxes to the city chamberlain or comptroller of The City of New York, and may be applied and used for the same purposes as other taxes and water rates collected in The City of New York. Disposition of moneys received.

§ 6. This act shall take effect immediately.

Chap. 565.

AN ACT to amend section twenty-seven hundred and forty-three of the code of civil procedure, relative to decrees for payment and distribution of estates of decedents.

Became a law April 27, 1898, with the approval of the Governor.
Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section twenty-seven hundred and forty-three of the code of civil procedure, is hereby amended to read as follows:

§ 2743. Decree for payment and distribution. Where an account is judicially settled, as prescribed in this article, and any part of the estate remains and is ready to be distributed to the creditors, legatees, next of kin, husband, or wife of the decedent, or their assigns, the decree must direct the payment and distribution thereof to the persons so entitled, according to their respective rights. In case of administration in intestacy the decree must direct immediate payment and distribution to creditors, next of kin, husband or wife of the decedent, or their assigns, where the administrator has petitioned voluntarily for judicial settlement of his account as, and in the case provided in subdivision two of section twenty-seven hundred and twenty-eight of this article. If any person, who is a necessary party for that purpose, has not been cited or has not appeared, a supplemental citation must be issued, as prescribed in section twenty-seven hundred and twenty-seven of this act. Where the validity of the debt, claim or distributive share is admitted or has been established upon the accounting or other proceeding in the surrogate's court or other court of competent jurisdiction, the decree must determine to whom it is payable, the sum to be paid by reason thereof and all other questions concerning the same. With respect to the matters enumerated in this section the decree is conclusive as a judgment upon each party to the special proceeding who was duly cited or appeared, and upon every person deriving title from such party.

§ 2. This act shall take effect September first, eighteen hundred ninety-eight.

Chap. 566.

AN ACT providing for the erection of a state armory in the village of Whitehall, Washington county, the acquisition of a site therefor and making an appropriation for building said armory.

Became a law April 27, 1898, with the approval of the Governor.
Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Appropriation for armory.

Section 1. The treasurer shall pay, on the warrant of the comptroller, the sum of forty-two thousand dollars, which sum is

hereby appropriated out of any moneys in the treasury not otherwise appropriated for the erection of an armory in the village of Whitehall, Washington county, for the use of the national guard of the state of New York there located, to be expended under the direction of the adjutant-general, the inspector-general and chief of ordnance of this state, who are hereby appointed commissioners therefor. But no part of this appropriation, except for plans and expenses of the commission, shall be expended by the said commissioners, until and indefeasible title, to be approved by the attorney-general, to a suitable site for such armory to be approved by the adjutant-general, free from all incumbrances, without expense to the state, shall be vested in the people of the state, nor until, upon plans and specifications of said building submitted by the architect to such commission they shall be satisfied that the buildings, including necessary sewerage and the necessary expenses of the commissioners and for superintendence and inspection of the work, can and will be completed within the limits of the sum herein appropriated. Whenever the commissioners above named shall have incurred any expenditure under this act, or any sum or sums shall become due under any contract authorized by this act, they shall make and file with the comptroller a statement thereof under their hands and the comptroller shall thereupon examine and audit the same and draw his warrant upon the treasurer for the sum he shall find to be due. The title to said land shall be vested in the people of the state of New York and in case the land or any part thereof cannot be obtained by agreement with the owner or owners thereof, the said commission shall acquire title thereto by the exercise of the right of eminent domain in proceedings duly taken and had under and in accordance with the provisions and requirements of the condemnation law.

§ 2. The site selected for said armory shall be prominently and conveniently located and the ground must be solid and not made land and not near any marsh or running water. The cost of said land, including the amount to be expended thereon for grading and otherwise, as hereinafter mentioned shall not exceed the sum of eight thousand dollars. Plans and specification of said armory shall be prepared in detail and shall receive the approval of said commissioners and all work upon said armory structure, except the interior furnishing and finishing, shall be done by contract, executed by and between the contractor or contractors and said

Expenditures by commission.

Statement of expenditures.

Title to land.

Selection of site.

Limitation of cost.

Plans.

Contracts for work.

commissioners, which contract or contracts shall be awarded to the lowest responsible bidder or bidders, after due publication and advertisement, based upon said plans and specifications.

Contractors' bonds.

§ 3. The contractor or contractors for such construction, shall, before commencing the same, make and execute to the state a bond in such form as said commissioners shall prescribe, in the penalty of ten thousand dollars, with two sureties, to be approved by the chairman of said commission, conditioned for the faithful performance of such work of construction.

Issue of certificates of indebtedness by county.

§ 4. The county treasurer of the county of Washington, whenever a written notice shall be served upon him, by the said commission, that such land has been contracted for or purchased or the title thereto has been acquired as above directed, shall execute in behalf of and in the name of the county of Washington, a certificate of indebtedness for the moneys required to purchase such site and to pay the cost of grading, filling, excavating, draining, paving of streets, paving of sidewalks and fencing of such lands, and shall after ten days notice, specify the time and place where bids will be received for the purchase of said certificate, sell the same to the highest bidder; such notice shall be published for ten days in two newspapers in the county of Washington. The aforesaid certificate shall bear interest at the rate of not to exceed five per centum per annum and shall be made payable on the first day of February following the expiration of two months from its issue and the amount thereof and the interest thereon shall be raised in the next tax budget of said county, succeeding its issue and applied to the payment of such certificate. The proceeds of the sale of such certificate shall be retained by the county treasurer and shall be by him paid out upon the written requisition of the aforesaid commission, by which it shall be applied to the payment of the amount of the purchase price or cost of said land and any damages for awards or compensation which may be under the proceedings to acquire said title and the cost of acquiring said title and the grading, filling, excavating, draining, paving of streets, flagging of sidewalks and fencing of such lands.

Proceeds of sale.

§ 5. This act shall take effect immediately.

Chap. 567.

AN AOT authorizing the city of Rochester to acquire and transfer to the state a site in such city for the erection of an armory thereon, for the use of the National Guard and Naval Militia in such city, and to receive in exchange therefor the present armory in such city now owned by the state.

Accepted by the city.

Became a law April 27, 1898, with the approval of the Governor.
Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The common council of the city of Rochester is hereby authorized to acquire a site in such city suitable for the erection thereon of a state armory for the use of the National Guard and Naval Militia in such city; and to cause the expense thereof to be levied and collected upon the property in such city subject to taxation in the same manner as other city taxes are levied and collected. Upon the acquisition of such site, the mayor of such city when duly authorized by a resolution of the common council, shall in behalf of the city cede, transfer and convey such property to the state of New York, but no such conveyance shall be valid, unless the site for such armory shall be approved by a commission consisting of the adjutant-general, the inspector-general and the chief of ordnance, nor unless the title to such property shall be certified by the attorney-general to be free from all incumbrances, and that the conveyance thereof is in due form and vests the title of the property in the people of the state of New York. Upon such transfer being made as provided by this act, and such site having been accepted by the armory commission aforesaid, the comptroller of the state shall convey to the city of Rochester in exchange for such armory site and in full compensation therefor the present armory property in the city of Rochester, owned by the state, located on Wood street in such city. The common council of the city of Rochester may provide that the armory property located on Wood street in such city, if conveyed to the state by the city in pursuance of this act, shall be applied to such municipal purposes as to the common council shall seem best; but until the state has provided other armory facilities in such city for the use of the National Guard and Naval Militia, the common council shall rent such armory

Acquisition and transfer of site to state.

Conveyance of armory property to city.

Use of property conveyed.

Rental to state.

property to the state of New York at such annual rental as may be agreed upon between the common council of such city and a commission consisting of the adjutant-general, the inspector-general and chief of ordnance.

§ 2. This act shall take effect immediately.

Chap. 568.

AN ACT to amend chapter fourteen of the laws of eighteen hundred and eighty, entitled "An act to further amend chapter one hundred and forty-three of the laws of eighteen hundred and sixty-one, entitled 'An act to amend and consolidate the several acts in relation to the charter of the city of Rochester,' and to consolidate therewith the several acts in relation to the charter of said city," and the several acts amendatory thereof and supplementary thereto.

Accepted by the city.

Became a law April 27, 1898, with the approval of the Governor.
Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Charter
amended.

Section 1. Section seventy-five of said act is hereby amended so as to read as follows:

Cemetery
fund.

§ 75. The commissioners of Mount Hope cemetery shall cause a fund to be provided from the receipts of the said cemetery, by appropriating annually not less than ten per centum of the gross receipts, which shall be applied, first, to the payment of mortgages now existing upon portions of the cemetery, and second, to create a repair fund, which shall not exceed fifty thousand dollars, which shall be invested, and as soon as it is of sufficient amount, the interest thereof shall be applied solely to the repairing of roads, lawns, hill-sides, monuments, abandoned lots and public grounds, and such repair fund shall never, under any pretext or evasion, be diverted from this declared purpose, and the interest thereof shall be used annually as hereabove directed. Said commissioners may create a fund for perpetual repairs of particular lots in the following manner: Any person may pay to the commissioners of Mount Hope cemetery a sum of money not less than ten nor more than one thousand dollars, for the purpose of keeping in order any lot or parcel of land in such cemetery; and thereafter the interest obtained on such sum, from time to time, as occasion

Repair
fund.

Fund for
perpetual
repairs.

may require, shall be expended on such lot or parcel of land for the purpose of keeping the same in repair by or under the direction of the commissioners of said cemetery. The commissioners shall pay such sums paid to them to the treasurer of the city of Rochester, who shall immediately deposit said sums of money in such savings bank or banks or trust companies as the commissioners of said cemetery shall direct, which moneys shall be kept in special deposit, on interest, apart from all other moneys belonging to Mount Hope cemetery. No part of such deposits except the interest which shall accrue on such moneys shall be drawn from such savings banks or trust companies except for permanent investment in registered bonds of the United States, the state of New York, the county of Monroe, or the city of Rochester; and such bonds shall be registered in the name of the said treasurer and of the commissioners of Mount Hope cemetery. All moneys drawn from any savings bank or trust company, from said perpetual repair fund shall be drawn by check signed by the treasurer, and countersigned by a majority of the commissioners of Mount Hope cemetery, and not otherwise. To each person making any such payment or deposit for the purpose of keeping any lot in repair in Mount Hope cemetery, the treasurer shall give a certificate signed by himself and by a majority of the commissioners of Mount Hope, and by the city clerk, and to which the city seal shall be attached, which certificate shall state the amount of the deposit, the name of the person making the deposit, a description of the lot for which the deposit is made and a covenant on the part of said city that the interest of said deposit thereafter, from time to time, as occasion may require, shall be expended on said lot by said commissioners for the purpose of keeping said lot in repair, and the commissioners of said cemetery and the city clerk shall keep a record of such certificates issued. But in no event shall the city of Rochester ever be liable to repay the principal paid into said perpetual repair fund. The said commissioners are hereby authorized and empowered at any regular or special meeting of their said board, by resolution, to divide the whole or any part of the lands now belonging to or which may hereafter be purchased for the purposes of said cemetery, into such definite sections or parts as said commissioners may designate and determine; and each of said sections or parts shall have such a name and such boundaries as the said commissioners shall determine. Said resolution shall designate the boundary lines of each of said

Deposit
and invest-
ment of
fund.

Certificate
of pay-
ment and
deposit.

Division of
lands into
sections.

sections or parts and the name by which each of said sections or parts shall be known, and shall, when duly passed, together with the date of its passage be recorded in a book to be kept by or under the control of said commissioners for that purpose; and when said resolution shall be duly recorded in said book the same shall be subscribed by said commissioners or a majority thereof. A copy of said resolution together with the date of its passage, duly certified by said commissioners or a majority thereof to be correct, shall be immediately filed by said commissioners in the office of the clerk of the city of Rochester, and shall also be recorded by said clerk in a book to be kept by him for that purpose. Said commissioners are hereby authorized and empowered to create a fund to be known as the "Special Section Fund," for the care of the lots in any definite section or part of said cemetery which may be designated by said commissioners as hereinbefore provided. Said fund shall be created by appropriating annually a sum not exceeding twenty per centum of the gross receipts from the sales of the lots in such definite section or part, and shall be used only for the care of the surface of said lots in such definite section or part, but not for the erection or care of mounds or other structures above the general surface of the ground. Said "Special Section Fund" shall be invested in the same manner as other trust funds of said cemetery are invested and shall never be diverted from its declared purpose. Whenever the city of Rochester shall by deed convey any lot or portion of said cemetery for burial purposes, which said lot or portion shall be included in any part or section designated by said commissioners as hereinbefore provided, said deed shall contain an agreement on the part of said city that the part of said "Special Section Fund" applicable thereto shall be applied to the care of the lands described in said deed, as hereinbefore provided.

Special
section
fund.

Agree-
ments in
deeds.

§ 2. This act shall take effect immediately.

Chap. 569.

AN ACT to amend chapter fourteen of the laws of eighteen hundred and eighty, entitled "An act to further amend chapter one hundred and forty-three of the laws of eighteen hundred and sixty-one, entitled 'An act to amend and consolidate the several acts in relation to the charter of the city of Rochester,' and to consolidate therewith the several acts in relation to the charter of said city," and the several acts amendatory thereof and supplementary thereto.

Accepted by the city.

Became a law April 27, 1898, with the approval of the Governor.
Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one hundred and ninety-nine of said act is hereby amended so as to read as follows: Charter amended.

§ 199. The common council shall thereupon make an order reciting the amount of the expense to be assessed, as aforesaid, and thereupon the assessors, if they are not interested in any of the property directed in the ordinance, or any other subsequent resolution to be assessed so benefited, and if any two of them are not so interested, then such two shall make an assessment upon all the lots and parcels of land within the portion or part of the city directed to be assessed, of the amount of expense, in proportion, as nearly as may be, to the advantage which each shall be deemed to receive by the making of such improvement, which order shall be certified by the clerk of the city, and delivered to some one of said assessors. The expense of sprinkling streets, however, after having been reported to the common council and fixed as other assessments are required to be fixed, shall be certified by the city clerk to the city assessors who shall determine the amount to be assessed against each parcel of land as other assessments are required to be determined and in the preparation of the next assessment-rolls for general city taxes shall insert against each lot or parcel of land the amount so determined upon and allegations thereon shall be heard and such assessments shall be collected at the same time and in the same manner as other city taxes, and all the provisions of the charter of said city applicable to the collection of city taxes are hereby made applicable to such sprinkling assessments. Assessment of expense of improvements.
Sprinkling assessments.

§ 2. This act shall take effect immediately.

Chap. 570.

AN ACT to authorize the city of Rochester to levy and collect a tax for the purpose of erecting a new public school building.

Passed without the acceptance of the city.

Became a law April 27, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Tax for
new school
building.

Section 1. The common council of the city of Rochester is authorized and hereby directed to levy a tax of forty thousand dollars in the general city tax levy for the fiscal year eighteen hundred ninety-nine for the purpose of erecting and finishing a new public school building during said year upon the present site of district school number twelve situate on the west side of Wadsworth square in the fourth ward of said city, and on adjoining parcels of land which may be purchased therefor during the year eighteen hundred ninety-eight, and the board of education of said city shall cause said building to be so constructed during said year eighteen hundred ninety-nine, and shall prepare and adopt suitable plans and specifications therefor and award the contracts for the proper construction of the same on or before the first day of February, in the year eighteen hundred ninety-nine. The appropriation herein provided for shall be used only for the purposes specified in this act.

Collection
of tax.

§ 2. The said sum of forty thousand dollars shall be levied and assessed in the general city tax levy of said city of Rochester, with other city taxes for the year eighteen hundred ninety-nine, and shall be collected in the same manner as other general city taxes of Rochester are collected, and placed to the credit of the building fund of said board of education, for said purpose, on or before the first day of April in the year eighteen hundred ninety-nine.

§ 3. This act shall take effect immediately.

Chap. 571.

AN ACT for the relief of certain firemen in the city of Rochester.

Accepted by the city.

Became a law April 27, 1898, with the approval of the Governor.

Passed, a majority being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The mayor of the city of Rochester is hereby authorized and empowered to grant certificates of exemption to members of the late Active Hose Company of said city, who were duly enrolled and in good standing in said company on the fourteenth day of March, eighteen hundred and ninety-eight, in like manner and with the same effect as though they had served the full term of five years, without pay, as volunteer firemen.

§ 2. This act shall take effect immediately.

Chap. 572.

AN ACT to amend chapter five hundred and fifty-three of the laws of eighteen hundred and ninety-five, entitled "An act in relation to the supreme court in the first judicial district and the appellate division thereof in the first department," as amended by chapter three hundred and sixty-two of the laws of eighteen hundred and ninety-six, chapter six hundred and fifty-six of the laws of eighteen hundred and ninety-seven, relative to salaries of the clerks in that district.

Accepted by the city.

Became a law April 27, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section three of chapter five hundred and fifty-three of the laws of eighteen hundred and ninety-five, entitled "An act in relation to the supreme court in the first judicial district and the appellate division thereof in the first department," as amended by chapter three hundred and sixty-two of the laws of eighteen hundred and ninety-six, is hereby further amended so as to read as follows:

§ 3. The justices of the appellate division of the supreme court in the first department, now or hereafter appointed, or a majority of

Act amended.

Appointment of clerks.

Salaries.

them, are authorized to appoint, and at pleasure remove, one deputy clerk and two assistant clerks of the appellate division. The salary of the clerk of said appellate division shall be five thousand dollars per annum, to be paid out of the public treasury of the state; and that of the deputy clerk shall be a sum to be fixed by said justices of the appellate division, not to exceed three thousand five hundred dollars per annum, and that of each of the assistants to the clerk a sum to be fixed by said justices of the appellate division, not to exceed three thousand dollars per annum, payable by the city and county of New York.

§ 2. This act shall take effect immediately.

Chap. 573.

AN ACT to amend chapter three hundred and seventy-eight of the laws of eighteen hundred and ninety-seven, entitled "An act to unite into one municipality, under the corporate name of The City of New York, the various communities lying in and about New York harbor, including the city and county of New York, the city of Brooklyn and the county of Kings, the county of Richmond and part of the county of Queens, and to provide for the government thereof," in relation to clerk to sign warrants.

Accepted by the city.

Became a law April 27, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Charter amended.

Section 1. Section seven hundred and twenty of chapter three hundred and seventy-eight of the laws of eighteen hundred and ninety-seven, entitled "An act to unite into one municipality, under the corporate name of The City of New York, the various communities lying in and about New York harbor, including the city and county of New York, the city of Brooklyn, and the county of Kings, the county of Richmond and part of the county of Queens, and to provide for the government thereof," is hereby amended so as to read as follows:

Fire commissioner.

§ 720. The head of the department shall be the fire commissioner. He shall be appointed by the mayor and hold office as provided in chapter four of this act. The salary of the fire commissioner shall be seven thousand five hundred dollars per year.

He may designate in writing, to be filed in the offices of the mayor and comptroller, a clerk or chief of a bureau, to sign warrants and perform such other duties incidental thereto, as may be required during the absence, by illness or otherwise, of the said commissioner, and for a period of time to be designated in said notice.

Designation of clerk to sign warrants, etc.

§ 2. This act shall take effect immediately.

Chap. 574.

AN AOT to amend the code of civil procedure, section one hundred and ninety-one, relative to appeals to the court of appeals.

Became a law April 27, 1898, with the approval of the Governor.
Passed, a majority being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one hundred and ninety-one of the code of civil procedure is hereby amended so as to read as follows:

§ 191. Limitations, exceptions and conditions. The jurisdiction conferred by the last section is subject to the following limitations, exceptions and conditions:

1. No appeal shall be taken to said court, in any civil action or proceeding commenced in any court other than the supreme court, court of claims, county court, or a surrogate's court, unless the appellate division of the supreme court allows the appeal by an order made at the term which rendered the determination, or at the next term after judgment is entered thereupon and shall certify that in its opinion a question of law is involved which ought to be reviewed by the court of appeals.

2. No appeal shall be taken to said court from a judgment of affirmance hereafter rendered in an action to recover damages for a personal injury, or to recover damages for injuries resulting in death, or in an action to set aside a judgment, sale, transfer, conveyance, assignment or written instrument, as in fraud of the rights of creditors, or in an action to recover wages, salary or compensation for services, including expenses incidental thereto, or damages for breach of any contract therefor, when the decision of the appellate division of the supreme court is

unanimous, unless such appellate division shall certify that in its opinion a question of law is involved which ought to be reviewed by the court of appeals, or unless in case of its refusal to so certify, an appeal is allowed by a judge of the court of appeals.

3. The jurisdiction of the court is limited to a review of questions of law.

4. No unanimous decision of the appellate division of the supreme court that there is evidence supporting or tending to sustain a finding of fact or a verdict not directed by the court, shall be reviewed by the court of appeals.

§ 2. This act shall take effect immediately.

Chap. 575.

AN ACT for the release to William R. Peters of any claim of the people of the state of New York in and to certain lands within the city of New York.

Became a law April 27, 1898, with the approval of the Governor.
Passed by a two-thirds vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Letters
patent con-
firmed.

Section 1. The letters patent of certain lands under water in the harbor of New York, issued to William T. Byrnes, under the great seal of the state, pursuant to a resolution of the commissioner of the land office of the state of New York, on the twentieth day of January, eighteen hundred and eighty-five, signed by the then governor of this state, and recorded in book eighteen, page four, of the land office minutes, on the third day of March, eighteen hundred and eighty-five, are hereby in all respects confirmed to William R. Peters, the present owner and holder of the uplands adjacent to said lands granted, and the successor to the title of said William T. Byrnes, and all the estate, right, title and interest of the people of the state of New York, in and to all such uplands as are surrounded by the lands under water described in said letters patent, or such uplands as have been made by filling in upon such land under water since the issuance of said letters patent is hereby released unto William R. Peters of the city, county and state of New York, his heirs and assigns forever, provided that within three years from the date of the passage hereof the terms of the condition imposed by the grant of the letters patent be complied with.

Interest of
state re-
leased.

Chap. 576.

AN ACT to locate and establish the boundaries of union free school district number seven in the town of Cortlandt.

Became a law April 27, 1898, with the approval of the Governor.
Passed, a majority being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The school commissioner of the third commissioner district of the county of Westchester is hereby authorized and directed to establish the boundaries of union free school district number seven in the town of Cortlandt, so as to include in such school district all that part of the village of Peekskill, situate on the south side of McGregory brook, and more fully described as follows: Beginning at the middle of the Hudson river at a point due west of a point in the center line of the New York Central and Hudson River railroad, seven hundred feet south of the center of the first culvert south of Travis point; thence easterly to a monument set in the ground in the center of Elias Travis lane at South street; thence easterly to a monument set in the road opposite the lane of the late S. Benson Dyckman on the west side of Washington street; thence a due east course (magnetic meridian) to Dickey brook; thence easterly and northerly along the center of said brook till it intersects the land of Willard Cornell; thence along said Cornell land and land of Mount Florence estate, to land late of B. Kittredge; thence northerly along the east line of said Kittredge land and land of William McCord, to the south line of Crompond road; thence easterly to a point opposite the Dayton land; thence northerly along the center of said land to McGregory brook; thence westerly through the center of said McGregory brook to its junction with the Hudson river; thence in a due west line to the center of the Hudson river; thence southerly to the place of beginning.

Establish-
ment of
school
bound-
aries.

§ 2. All the territory included within the boundaries as described in section one of this act shall be known as union free school district number seven in the town of Cortlandt and the lands included within said bounds, and the taxable inhabitants and the corporations residing and being therein, shall be subject

Union free
school dis-
trict num-
ber seven.

pro rata of assessed valuation to taxation for all school purposes in said district, including the current expenses and all bonded indebtedness now resting upon the said school district as its boundaries existed prior to the passage of this act.

§ 3. This act shall take effect immediately.

Chap. 577.

AN ACT to amend chapter ten hundred and twenty-seven of the laws of eighteen hundred and ninety-five, entitled "An act in relation to the issue of mileage books by railroad corporations."

Became a law April 27, 1898, with the approval of the Governor.
Passed, a majority being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Act
amended.

Section 1. Section one of chapter ten hundred and twenty-seven of the laws of eighteen hundred and ninety-five, entitled "An act in relation to the issue of mileage books by railroad corporations," as amended by chapter four hundred and eighty-four of the laws of eighteen hundred and ninety-seven, is hereby amended to read as follows:

Issue of
mileage
books.

§ 1. Every railroad corporation operating a railroad in this state, the line or lines of which are more than one hundred miles in length, and which is authorized by law to charge a maximum fare of more than two cents per mile, and not more than three cents per mile, and which does charge a maximum fare of more than two cents per mile, shall issue mileage books having either five hundred or one thousand coupons attached thereto, entitling the holder thereof, upon complying with the conditions hereof, to travel either five hundred or one thousand miles on the line or lines of such railroad, for which the corporation may charge a sum not to exceed two cents per mile. Such mileage books shall be kept for sale by such corporation at every ticket office of such corporation in an incorporated village or city, and any of such books shall be issued immediately upon application therefor. Upon presentation of such mileage book to a conductor on any train on any line of railroad owned or operated by said railroad corporation, the holder thereof, or any member of his family or firm, or any salesman of his firm, shall be entitled to travel for

Rights of
holders,
etc.

a number of miles equal to the number of coupons detached by such conductor. Such mileage book shall entitle the holder thereof to the same rights and privileges in respect to the transportation of person and property to which the highest class ticket issued by such corporation would entitle him. Such mileage books shall be good until all coupons attached thereto have been used. Any railroad corporation which shall refuse to issue a mileage book, as provided by this section, or in violation hereof, to accept such mileage book for transportation, shall forfeit fifty dollars, to be recovered by the party to whom such refusal is made; but no action can be maintained therefor unless commenced within one year after the cause of action accrues.

Penalty for violations.

§ 2. This act shall take effect immediately.

Chap. 578.

AN ACT to amend chapter thirty-one of the laws of eighteen hundred and sixty-one, entitled "An act to authorize the election of a police justice in the town of Saugerties, Ulster county."

Became a law April 27, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section six of chapter thirty-one of the laws of eighteen hundred and sixty-one, entitled "An act to authorize the election of a police justice in the town of Saugerties, Ulster county," is hereby amended to read as follows:

Act amended.]

§ 6. No justice of the peace of the said town of Saugerties shall render any service, or be entitled to receive any fees in criminal cases, except during a vacancy in the office of police justice, and except that a complainant shall, by his own oath, or that of some other person, prove to a justice of the peace, that the said police justice is absent from the town or sick, or otherwise unable to attend to such application, then the justice to whom such application shall be made, shall issue a warrant to apprehend the person charged with the commission of the offense and shall be entitled to receive therefor the fees allowed by law; but every such warrant shall be made returnable before the police justice of said town, and when the warrant is issued by said police justice it shall be returnable in the same manner.

Town justices, when may render services, etc.

§ 2. This act shall take effect immediately.

Chap. 579.

AN ACT to amend chapter thirty-three of the laws of eighteen hundred and ninety-eight, entitled "An act to amend chapter three hundred and seventy of the laws of eighteen hundred and ninety-seven, entitled 'An act to revise, amend and consolidate the several acts relating to the village of Lancaster and to repeal all acts and parts of acts relating thereto.'"

Became a law April 27, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section six of title six of chapter three hundred and seventy of the laws of eighteen hundred and ninety-seven, as amended by chapter thirty-three of the laws of eighteen hundred and ninety-eight, is hereby amended so as to read as follows:

6. Grading and paving of streets, et cetera; when expense exceeds three hundred dollars, how ordered; assessor's certificate, how paid for when ordered without petition; when owners exempted from road tax; repairs, et cetera. The trustees shall have power to grade or regrade, gravel or regravell, macadamize or remacadamize, pave or repave any street, alley or public place in said village, and to cause said streets, alleys and public places to be used in conformity with such grade as the trustees may establish. When the expense of the work or improvement mentioned in this section shall exceed the sum of three hundred dollars, it shall not be ordered except by unanimous vote of the trustees, unless it shall be applied for by a petition of a majority of the owners of the land fronting on the street or alley, representing at least two-thirds of all the feet front of the lands on the street or alley in or along which such improvement is to be made; or, if such improvement is intended to be made in and along only a part of such street or alley, then by a majority of such owners of the land, representing at least two-fifths of all the lands fronting on the part of such street or alley in which such improvement is to be made. It shall be the duty of the assessor to certify as to the proportion of owners, and the frontage represented by those who have signed a petition for such local improvement. When the work or improvement mentioned in this section is ordered by the unanimous vote of the trustees without

the petition hereinbefore mentioned, and the expense thereof shall exceed the sum of three hundred dollars, not more than two-thirds of such expense shall be borne by the owners of the lands fronting on the street or alley or portion thereof in or along which such work or improvement shall be ordered, and not more than one-half of such expense shall be borne by the street fund, and when the expense thereof is borne entirely by the owners of the land fronting thereon, such owners, for the term of seven years thereafter, shall be exempted from all road tax, and the expense of repairing the street or alley or part thereof, paved entirely at the expense of such owners, shall be borne by the village at large during said term of seven years. The trustees, without such petition, shall not in any one year be authorized to order any such work or improvement, the cost whereof shall exceed the sum of fifteen thousand dollars.

Chap. 580.

AN ACT to authorize the village of Newport to change its boundaries.

Became a law April 27, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The boundaries of the village of Newport may be changed upon the adoption of a proposition therefor at a village election. The proposition shall describe the proposed boundaries, and the inspectors of election shall make and file a certificate of the result of said election in the manner required by the village law for an increase of territory. If the proposition is adopted the boundaries of the village of Newport shall be as therein described.

§ 2. This act shall take effect immediately.

Chap. 581.

AN ACT conferring jurisdiction upon and authorizing the court of claims to hear, audit and determine the claim of Frank Fleck against the state of New York and make an award therefor.

Became a law April 27, 1898, with the approval of the Governor.
Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Jurisdic-
tion to
hear
claim.

Section 1. Jurisdiction is hereby conferred upon the court of claims to hear, audit and determine the alleged claim of Frank Fleck, against the state of New York, for damages alleged to have been caused by injuries received while confined in the Elmira reformatory.

Appeal
from
award.

§ 2. Either party may take the appeal to the appellate division of the supreme court, for the third department from any award made under authority of this act, provided, such appeal be taken by service of the notice of the appeal within thirty days after service of the copy of the award.

§ 3. This act shall take effect immediately.

Chap. 582.

AN ACT conferring jurisdiction upon the court of claims to hear, audit and determine the claim of James Grant against the state, and to make an award therefor.

Became a law April 27, 1898, with the approval of the Governor.
Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Jurisdic-
tion to
hear
claim.

Section 1. Jurisdiction is hereby conferred upon the court of claims to hear, audit and determine the alleged claim of James Grant against the state, for damages for personal injuries, alleged to have been sustained by him by the fault, negligence or carelessness of the surgeons, medical staff, officers and attendants of Elmira State Reformatory in the treatment of an injury to the right hand of the said James Grant, alleged to have been received by him on or about the twenty-fourth day of March, eighteen

hundred and ninety-seven, while confined as a convict in said reformatory. And if in the judgment of said court of claims the alleged injuries were actually received by the said James Grant; and were caused by the fault, negligence or carelessness of the surgeons, medical staff, officers and attendants of the said Elmira Reformatory, then the court of claims shall determine the amount of damages so sustained by said claimant and make an award therefor.

§ 2. No award shall be made, or judgment rendered herein, ^{Award or judgment.} against the state unless the facts proved shall make out a case against the state which would create a liability were the same established in evidence in a court of law or equity against an individual or corporation; and in case such liability shall be satisfactorily established, then the court of claims shall award to, and render judgment for the claimant for such sum as shall be just and equitable, notwithstanding the lapse of time since the accruing of said damages, provided the claim hereunder is filed with the court of claims within one year after the passage of this act.

§ 3. This act shall take effect immediately.

Chap. 583.

AN ACT to regulate the appointment and terms of office of commissioners of deeds in the cities of this state, situated in counties having a population of not less than three hundred thousand, and not more than five hundred and fifty thousand, according to the last state or federal enumeration.

Accepted by the city.

Became a law April 27, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The term of office of each commissioner of deeds here- ^{Expiration of terms.} after appointed by the common council of any city of this state, situated in a county which has a population of not less than three hundred thousand and not more than five hundred and fifty thousand, according to the last state or federal enumeration, shall expire on the thirty-first day of December of the even number year, next after the year in which he shall be appointed. The common council of any such city shall, in the month of No- ^{Appointment of commissioners of deeds.} vember in every even number year, by resolution, determine the

number of commissioners of deeds to be appointed in such cities respectively for the next succeeding two years. Such commissioners of deeds may be appointed by the common council by resolution, and the city clerk shall immediately after such appointment file a certificate thereof with the county clerk of the county in which such city is situated. The county clerk shall thereupon notify such persons of their appointment, and such persons so appointed shall qualify by taking the oath of office before such county clerk within ten days after giving such notice; and the county clerk shall demand and receive the sum of one dollar from each person so qualifying.

Oath of office.

Expiration of terms of appointees of 1896.

§ 2. The terms of office of all commissioners of deeds in all such said cities appointed since January first, eighteen hundred and ninety-six, and who had qualified, shall expire on the thirty-first day of December, eighteen hundred and ninety-eight, and the official acts of all such commissioners heretofore performed are hereby legalized and confirmed to all intents and purposes.

Actions pending not affected.

§ 3. Nothing herein contained shall affect any legal action or proceeding pending at the time this act shall take effect.

§ 4. This act shall take effect immediately.

Chap. 584.

AN ACT to exempt certain property belonging to the city of Poughkeepsie from taxation.

Accepted by the city.

Became a law April 27, 1898, with the approval of the Governor.
Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. All the real and personal estate located in the town of Poughkeepsie, in the county of Dutchess, and belonging to the city of Poughkeepsie, which is now held by said city for the public use of the people thereof shall hereafter be exempt, free from taxation, so long as the same is used for such purposes.

§ 2. This act shall take effect immediately.

Chap. 585.

AN ACT to amend chapter three hundred and forty-seven of the laws of eighteen hundred and ninety, entitled "An act to provide for the payment of the cost and expenses of the construction of a trunk sewer on the east side of the Genesee river, in the city of Rochester, by the issue of bonds of said city, and providing for the payment of said bonds by local assessment," as amended by chapter seventy-four of the laws of eighteen hundred and ninety-two.

Accepted by the city.

Became a law April 27, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section four of said act is hereby amended so as to read as follows: Act amended.

§ 4. For the purpose of meeting the payment of said bonds as they become due, and of reimbursing the contingent fund for moneys expended for the payment of interest on said bonds and for all costs and expenses of discounting the city's notes for the payment of said interest, the common council, in the year eighteen hundred and ninety-eight, shall pass a resolution declaring the part or portion of the city which they deem benefited by the construction of said trunk sewer, and which they deem proper to be assessed therefor, which part or portion of the city, however, shall be entirely on the east side of the Genesee river, in said city. They shall estimate and declare the amount of money necessary to be raised to meet the payment of such of said bonds as will fall due in the next succeeding five years, and the amount of money necessary to be raised to reimburse the contingent fund for moneys theretofore expended, or to be expended for interest during the same period, on any and all bonds issued by virtue of this act, and all cost and expenses of discounting the city's notes theretofore and during said period for the payment of said interest, and they shall declare that the amount so estimated and declared shall be raised by assessment on the property which they have determined to be benefited. They shall determine and declare that the assessment to be made shall be paid in not more than five equal payments, one within thirty days from the time that the District of assessment, resolution declaring.
Estimate of amount to be assessed therein.
Installments of assessment.

Assistance
and ex-
penses of
assess-
ment.

treasurer advertises the same, as hereinafter provided for, and the balance in one, two, three and four years, respectively, from the confirmation of the assessment-roll. Said common council is hereby authorized to employ such assistance as may be necessary for the preparation of said assessment, and the cost and expenses thereof, except the salary of the assessors, shall be assessed from time to time as said common council may deem proper, upon the territory declared to be benefited as above provided.

§ 2. Section eighteen of said act as amended by chapter seventy four of the laws of eighteen hundred and ninety-two, is hereby amended so as to read as follows:

Commis-
sioners to
act with
executive
board of
city.

§ 18. Within thirty days after the final passage by the common council, and approval thereof by the mayor of said city, of an ordinance for the construction of said sewer, or any part thereof, the said common council shall appoint three commissioners, who shall be residents and taxpayers on the east side of the Genesee river in said city, to act with the members of the executive board of said city in all matters pertaining to said trunk sewer. In case of the appointment of commissioners, the said commissioners so appointed, and each of them, shall, within five days after being notified of their appointment, take the oath of office required to be taken by the members of the said executive board; they shall each give a bond, in such amount and with such sureties as the mayor of the city may approve, conditioned for the faithful performance of their duties, and they shall have the same powers, and be subject to the same duties and responsibilities, in reference to all matters pertaining to the said trunk sewer, as the said members of said executive board. In case of the death, resignation or inability to act of any of said commissioners, the common council

Oath of
office.

Bond.

Vacancies.

Compensa-
tion.

Name and
powers of
commis-
sion.

shall have power to fill the vacancy. The said commissioners shall receive as compensation for their services the sum of five dollars per day each, for each day actually and necessarily spent in performing duties pertaining to their office as such commissioners but such compensation shall not exceed, in the aggregate, the sum of one thousand dollars per year to each of said commissioners. Said commissioners and executive board shall be known by the name of "the east side trunk sewer commission," in which name they may let all contracts, or do any other act, in reference to said sewer, which may be done by the executive board in regard to any improvement, and sue for and collect any penalties, claims or demands under any of said contracts, or concerning said east

side sewer. On July first, eighteen hundred and ninety-eight said commissioners shall file with the clerk of the executive board of said city the record of their proceedings together with their books of account and all contracts and other papers relating thereto which shall be kept by said clerk as a part of the records of said city of Rochester; and copies of the same certified by said clerk shall be prima facie evidence thereof in all courts and places. They shall turn over to the treasurer of the city of Rochester all check and bank books and all moneys on hand belonging to said city, and said treasurer shall keep said books as a part of the records of his office and shall deposit the said moneys to the credit of the east side trunk sewer fund, and thereafter the duties of said commissioners under said act shall devolve upon and be discharged by the executive board of said city, or its successors who shall thereupon become vested with all the powers of said commissioners under said act.

Filing of records, books, etc.

Payment over of moneys.

Transfer of duties to executive board of city.

§ 3. This act shall take effect immediately.

Chap. 586.

AN ACT to legalize, validate and confirm sales of taxes made by the city of Rochester.

Accepted by the city.

Became a law April 27, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. All sales of land made by the city treasurer of the city of Rochester for unpaid taxes are hereby legalized, validated and confirmed so-as to be of the same force and effect as though notices of such sales had been duly advertised, and such sales made as required by law.

Sale legalized.

§ 2. Nothing herein contained shall affect any action or special proceeding now pending in any court relative to such taxes or the sales made for the collection thereof.

Actions, etc., not affected.

§ 3. This act shall take effect immediately.

Chap. 587.

AN ACT to confer upon The Hudson River Power Transmission Company the power to acquire rights of way in Saratoga and Schenectady counties, in certain instances.

Became a law April 27, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Acquisi-
tion of
right of
way.

Section 1. The Hudson River Power Transmission Company, a domestic corporation, organized under the transportation corporations law, after it shall have obtained the consent of the authorities having charge of the highways or streets in any town, village or city, in the counties of Saratoga and Schenectady, and subject to such regulations as shall be prescribed by such authorities, may erect, construct and maintain the necessary poles, wires and fixtures for its lines, over or under any of the public roads, streets, or highways in said counties as to which it has obtained such consent, subject to the right of the owners of the fee of said highways or streets, or the right of the owners of any real estate abutting on such highways or streets, to full compensation for any damage sustained thereby. If said company cannot agree with such owners, or abutting owners, upon the compensation to be paid therefor, such compensation shall be ascertained in the manner provided in the condemnation law.

Condemna-
tion.

§ 2. This act shall take effect immediately.

Chap. 588.

AN ACT to erect the county of Nassau from the territory now comprised within the limits of the towns of Oyster Bay, North Hempstead and Hempstead, in the county of Queens.

Became a law April 27, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Erection
of new
county.

Section 1. All that territory now comprised within the limits of the towns of Oyster Bay, North Hempstead and Hempstead in the county of Queens is hereby set off from the county of Queens and is erected into the county of Nassau and is a separate and

distinct county of the state of New York, from and after the date of the taking effect of this act, except, however, that until constitutionally and legally changed said territory shall continue to be, for the purpose of electing a member of assembly a part of the third assembly district of the county of Queens; for the purpose of electing a senator, a part of the second senate district of the state of New York; for the purpose of electing judges of the supreme court, a part of the second judicial district of the state of New York, and for the purpose of electing a representative in congress, a part of the first congressional district of the state of New York, as the same are now constituted, and the freeholders and other inhabitants of the said county of Nassau for all purposes except as aforesaid shall have and enjoy all and every the same rights, powers and privileges as the freeholders and inhabitants of any of the counties of this state are by law entitled to have and enjoy, and shall not be subject to be assessed and taxed by the county of Queens.

§ 2. Until new districts shall be established by law in the state of New York, under the state census, the electors of the territory by this act erected into the county of Nassau shall continue to vote for member of assembly, senator, and justices of the supreme court for the second judicial district as electors of the county of Queens, and until new districts shall be established by law under the census of the United States, the electors of the territory hereby erected into the county of Nassau shall continue to vote for representatives in congress as electors of the county of Queens, but for all other purposes and offices such electors shall vote as the electors of the county of Nassau. The statements of every election held in such territory for member of assembly, senator, justice of the supreme court and representative in congress shall be made to the board of county canvassers of the county of Queens as now provided by law, and the statements of elections of all other offices, and upon all other subjects which may be submitted to the votes of electors shall be made to the board of canvassers of the county of Nassau in the same manner as is now or may hereafter be provided by the election law for elections held in the several counties of this state. But every such election shall be held under and according to the provisions of the election law as it now exists or may hereafter be in force in relation to elections held in the several counties of this state in

Elections
in territory
set apart.

Statements
of elec-
tions.

Election
law appli-
cable.

the same manner and with like effect and as though the territory hereby erected into the county of Nassau had continued to be and to remain a part of the county of Queens, excepting only as to the returns of elections of the several officers in this section specially designated, as above provided.

Courts.

§ 3. There shall be a county court and a surrogate's court in and for the said county of Nassau, with such jurisdiction and powers respectively as are now given by the constitution and the general laws to the county courts and the surrogates' courts respectively in the several counties of this state. There shall be elected at the general election of eighteen hundred and ninety-eight, a county judge, a district attorney, a sheriff, a county clerk, a county treasurer and a county superintendent of the poor for the said county of Nassau. The annual salary of the county judge shall be three thousand dollars. The annual salary of the district attorney shall be a sum not exceeding fifteen hundred dollars. The annual salary of the sheriff shall be a sum not exceeding twenty-five hundred dollars; the annual salary of the county clerk shall be a sum not exceeding two thousand dollars, and the board of supervisors shall fix the compensation of all assistants for such county clerk; the annual salary of the county treasurer shall be a sum not exceeding two thousand dollars; and the annual salary of the county superintendent of the poor shall be a sum not exceeding five hundred dollars. The salaries to be paid to the said respective officers within the said limits shall be fixed by the board of supervisors of the said county, and all fees, statutory or otherwise, for recording instruments, making searches, and for rendering any service whatever of any nature whatsoever within the scope of the duties and powers of the said officers shall be covered into the treasury of the county of Nassau for the use and benefit of the said county, excepting the fees received by the county treasurer under the provisions of the excise law.

County officers.

Salaries.

Fees payable into treasury.

Election and terms of officers.

§ 4. All the county officers for the county of Nassau hereby erected, which are authorized by law, shall be elected at the general election of this state in eighteen hundred and ninety-eight, and the officers elected thereat for the said county of Nassau shall hold their offices respectively for the terms now provided by law for the offices to which they are elected, to date from the first day of January next after the said election.

§ 5. The supervisors of the said towns of Oyster Bay, North Hempstead and Hempstead, elected at the annual town meetings held in eighteen hundred and ninety-eight, shall constitute and are hereby declared to constitute the board of supervisors of the said county of Nassau, with all the powers and privileges appertaining to such board, and shall hold their first annual meeting on the third day of January, eighteen hundred and ninety-nine, at the place where the public buildings for the said county of Nassau shall be located.

§ 6. The county court and surrogate's court, and also the sittings or terms of the supreme court in and for the said county of Nassau shall be held at the court-house to be hereafter erected in the said county, in pursuance of this act, and until then the said courts, if any, shall be held at such place in the said county as the board of supervisors thereof shall appoint in writing, which appointment shall be entered on the minutes of the said board at least thirty days before the time of holding the said court, and the clerk of the said board shall immediately cause a copy of such appointment to be published in all of the newspapers printed in the said county of Nassau.

§ 7. The county court within the county of Nassau, on and after the first day of January, eighteen hundred and ninety-nine, shall have the same jurisdiction over all causes of action and proceedings in civil actions and in matters of probate and special proceedings which shall have accrued within the territory hereby erected into the county of Nassau, that said county court has over like actions, proceedings and matters within the county of Queens; provided, however, that the several courts within the county of Queens and within the second judicial district of the supreme court of the state of New York shall have and retain jurisdiction of all actions, proceedings and matters that shall have been rightfully commenced in said courts prior to the said first day of January, eighteen hundred and ninety-nine, and the several courts of the county of Nassau having criminal jurisdiction on and after the first day of January, eighteen hundred and ninety-nine, shall have the same jurisdiction of all crimes, offenses and misdemeanors that shall have been committed in the said territory that the courts of the county of Queens having criminal jurisdiction now have in the county of Queens; provided proceedings shall not have been already rightfully

commenced in any of the courts of the county of Queens for the prosecution of said crimes, offenses or misdemeanors, in which case the said courts within the county of Queens shall have and retain jurisdiction of the same for the full, complete and final disposition thereof, and until the said first day of January, eighteen hundred and ninety-nine, the said courts of the county of Queens and in the said second judicial district shall retain and exercise in all civil and criminal proceedings the same jurisdiction they now have.

Jurisdiction of surrogate.

§ 8. The jurisdiction of the surrogate of the county of Queens over all proceedings rightfully commenced before him on or before the thirty-first day of December, eighteen hundred and ninety-eight, shall continue until such proceedings are finally determined, and every duty now imposed by law upon any county officer of the county of Queens to be done or performed in regard to any proceeding, record, document, certificate or other instrument in writing after the same shall have been commenced, filed or recorded by him shall continue to be done and performed by such officer in regard to all proceedings commenced or papers filed or recorded by him on or before December thirty-first, eighteen hundred and ninety-eight, as if this act had not been passed.

Official seals.

§ 9. The board of supervisors of the county of Nassau shall cause a seal of the said board of supervisors, a county seal, a county treasurer's seal, and a surrogate's seal to be made at the expense of the county, which seals shall be the official seals respectively of such board, county, county treasurer and surrogate, and shall be used as such respectively when authorized by law.

Loan commissioners.

§ 10. There shall be appointed in and for the said county of Nassau in the manner now provided by law two "commissioners for loaning certain moneys of the United States," of the county of Nassau. Immediately after such commissioners shall have been qualified and given the bond required by them there shall be transferred and delivered to them and for their care and management all the mortgages, executed to or in the custody of such commissioners for the county of Queens covering lands within the territory of the said county of Nassau, and thereafter the said commissioners of the county of Nassau shall exercise the same powers and be subject to the same duties and responsibilities in relation to said mortgages as if the same had been originally taken by and executed to them, the said commissioners of the county of Nassau, as such commissioners.

§ 11. The prisoners of the said county of Nassau shall be confined in the jail of the county of Queens until the jail, to be hereafter erected, of the county of Nassau, shall be furnished in such manner as in the opinion of the sheriff of the said county of Nassau will confine the prisoners in the same, when it shall be lawful for the said sheriff to remove and commit them to the jail of the said county of Nassau, and the reasonable charges and expenses of the sheriff of the said county of Queens for the custody, maintenance and detention of all said prisoners as may be thus committed to his charge shall be audited, levied, collected and paid in the same manner as other contingent expenses of the said county of Nassau.

Confinement of prisoners.

Expenses of custody, etc., of prisoners.

§ 12. The books, records, documents, dockets of judgments and other instruments in writing relating to the towns of Oyster Bay, North Hempstead and Hempstead and belonging to the offices of the county clerk, judge, surrogate, sheriff and county treasurer of the county of Queens shall remain the property of the county of Queens, and all such records, documents, dockets of judgments and other instruments in writing which relate to, concern or affect the real estate or any other property in the territory hereby erected into the county of Nassau, the title to which may be affected by any such records, documents, instruments in writing or dockets of judgment shall continue to have the same force and effect in every respect and for every purpose, as if this act had not been passed. All conveyances by deed, mortgage, or otherwise, and all documents, dockets of judgments or other instruments in writing affecting the real or personal property within the territory hereby erected into the county of Nassau, which are now required by law to be recorded or filed in the offices of the clerk, surrogate, sheriff, engineer or treasurer of the county of Queens, shall on and after the first day of January, eighteen hundred and ninety-nine, be recorded and filed in the several offices in the county of Nassau in which like conveyances, documents, dockets of judgments or instruments in writing are required by law to be recorded or filed. All records, documents and papers now on file in the office and in the possession of the county engineer of the county of Queens in the matter of maintaining, constructing or improving county roads in that part of the county of Queens without the borough of Queens shall be delivered over by the said county engineer now having the control or the custody of the

Books, records, etc., of towns and offices.

Recording and filing of conveyances and instruments.

Delivery of certain records, etc., to county engineer.

same to the county engineer of the county of Nassau when the same shall have been appointed by the board of supervisors of the county of Nassau.

Proportion
of debt to
be assumed
by county.

§ 13. The proportion of the debt of the county of Queens which shall be assumed by the county of Nassau, as constituted by this act, shall be that part of the debt of the county of Queens which, under the operation of section fifteen hundred and eighty-eight of chapter three hundred and seventy-eight of the laws of eighteen hundred and ninety-seven, shall be determined to be a proper share of the debt of the county of Queens to be assumed by that part of the county of Queens remaining without the city of New York.

Apportion-
ment of
personal
property.

§ 14. The apportionment of the personal property of the county of Queens, including all unpaid arrears of taxes, shall be determined according to the relative assessed valuation of the real property in the respective counties of Queens and of Nassau in the manner following: The mayor and the municipal assembly, as representing The City of New York and the board of supervisors of the county of Nassau, are hereby authorized and empowered to agree if they can as to such division. If the mayor and the municipal assembly of The City of New York and the board of supervisors of the said county of Nassau be unable to agree within six months after this act takes effect as to the division of the said personal property, the supreme court of the third judicial district shall have power to determine such division and to enforce such award, division and determination as shall be made in the premises in a suit in equity to be brought by and in the name of either of said parties not less than six months nor more than one year after the taking effect of this act.

County
buildings.

§ 15. 1. The county buildings of the county of Nassau shall be located either within one mile of the present station of the Long Island Railroad Company at the village of Hempstead, or within one mile of the present station of the Long Island Railroad Company at Hicksville, or within one mile of the present railroad station of the Long Island Railroad Company at Mineola.

Submis-
sion of
question of
location.

2. The question of the location of such buildings at one of the places above named shall be voted upon by the electors of the said towns of Oyster Bay, North Hempstead and Hempstead, at the general election of eighteen hundred and ninety-eight by ballot. That location of the three above named which shall receive the largest number of ballots shall be adopted as the seat of the county buildings of the said county.

§ 16. Any person residing in the territory hereby erected into the county of Nassau who shall have been elected for a term now unexpired to any office for the county of Queens, may exercise jurisdiction and perform the duties of such office, in and for the county of Queens, until the end of the term for which he was elected as if this act had not been passed.

Continuation of terms of office in Queens county.

§ 17. Nothing contained in this act shall impair the obligation of any contract, and the property and inhabitants of the territory by this act erected into the county of Nassau shall continue liable to the existing creditors of the county of Queens in like manner as if this act had not been passed, provided that if any person by reason of being an inhabitant of or owning property in said territory shall be compelled to pay any part of the existing debt or obligation of the county of Queens, the amount of such payment shall thereupon become a debt due to him from the county of Nassau as hereby erected and may be recovered in like manner as other debts against the said county of Nassau.

Continuation of liabilities.

§ 18. All acts and parts of acts specially applicable to the county of Queens and now in force in the county of Queens and not inconsistent with this act shall continue in full force and effect in the county of Nassau as though the said county of Nassau had been in existence at the time of the passage of the said acts and as though the name of the said county of Nassau had appeared in the said acts and parts of acts wherever the name of the county of Queens appears in the said acts or parts of acts.

Continuation of acts applicable to Queens county.

§ 19. This act shall take effect on the first day of January, eighteen hundred and ninety-nine, except as to such parts as are otherwise provided for, and as to such parts it shall take effect at the time or times in this act specified, and except also as to section four, and subdivision two of section fifteen, which shall take effect immediately.

When takes effect.

Chap. 589.

AN ACT to amend the benevolent orders law, relative to trustees.
Became a law April 27, 1898, with the approval of the Governor.
Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section eight of chapter three hundred and seventy-seven of the laws of eighteen hundred and ninety-six, known as

the benevolent orders law, is hereby amended so as to read as follows:

§ 8. Trustees. The persons executing such certificate and named therein shall be the board of trustees of such corporation. If but two bodies united to form such corporation, its by-laws may prescribe the terms of office of the trustees. If more than two bodies so unite the trustees shall divide themselves by lot into three classes, so that the term of office of the first class shall expire in one year; the term of office of the second class, in two years; and the term of office of the third class in three years. On a vacancy occurring in the office of a trustee of such corporation, the body which he represented shall fill such vacancy, and the person so chosen shall hold office for three years, if chosen on the expiration of the term of his predecessor, and otherwise, until the expiration of the original term. The board of trustees may admit as members of such corporation and of such board of trustees the representatives of bodies chartered or instituted by the same general governing body as any of the bodies named in such certificate, or by any superior or higher jurisdiction or governing body of the order to which any such bodies belong, and shall file in the county clerk's office a certificate showing such action. The board of trustees shall fix the term of office of the representative, so admitted, at one, two or three years, and shall so apportion such new representatives that as nearly as possible the terms of office of one-third of the directors of such corporation shall expire annually. Where the organizations so united are trades unions, trades assemblies, trades associations or labor organizations, the board of trustees may, from time to time, admit as members of such corporation and of such board of trustees the representatives of any other labor or trades organization or association whether or not the same be chartered or instituted by the same general governing body as any of the bodies named in such certificate, or by any superior or higher jurisdiction or governing body of the order to which such bodies belong. The board of trustees admitting such members shall file in the county clerk's office a certificate showing such action, and the terms of the representatives so admitted shall be fixed as above provided in the case of other organizations.

§ 2. This act shall take effect immediately.

Chap. 590.

AN AOT to amend the railroad law, relative to the crossing of bridges.

Became a law April 27, 1898, with the approval of the Governor
Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section ninety-six of chapter five hundred and sixty-five of the laws of eighteen hundred and ninety, entitled "An act in relation to railroads, constituting chapter thirty-nine of the general laws," and known as the railroad law, is hereby amended to read as follows:

§ 96. Extension of route over rivers; terminus in other counties; when property owners withhold consent; supreme court may appoint commissioners. Any street railroad in operation in this state, which shall, by a two-thirds vote of its directors, decide to extend the route of its road, so as to cross a river over and by any bridge now or hereafter constructed under the provisions of any law of this state, may so extend their route over and across such bridge upon such terms as may be mutually agreed upon between it and such bridge company, and may locate the terminus of their road in the county adjoining the one in which their road is now located and in operation, upon first obtaining the consent of such bridge company or its lessees, and the consent of the owners of one-half in value of the property bounded on, and the consent also of the local authorities having the control of that portion of a street or highway upon which it is proposed to construct or operate such railroad, or in case the consent of such property owners cannot be obtained the appellate division of the supreme court in the district in which it is proposed to be constructed may, upon application, appoint three commissioners, who shall determine after a hearing of all parties interested, whether such railroad ought to be constructed or operated, and their determination, confirmed by the court, may be taken in lieu of the consent of the property owners. Whenever a terminus of any public viaduct, bridge or bridges, or public viaduct connected with any bridge or bridges, heretofore or hereafter constructed in and owned and maintained by any city of the first class, or town

adjoining the same, is or shall be located at or adjacent to or within one-half mile of the route of any existing street surface railroad the corporation owning or operating such railroad may, irrespective of any provisions otherwise applicable thereto contained in any general or local act, upon obtaining the consent of the local authorities and property owners as above provided, and upon complying with the provisions of the railroad law applicable thereto, extend its road or route and construct and operate its railroad, to, upon and across such viaduct, bridge or bridges and approaches thereto for the purpose of connecting with another railroad route not more than one-half mile distant from such bridge or viaduct so as to afford a continuous ride for one fare, subject to the provisions of the railroad law. This section shall not apply to any bridge over the Hudson or East rivers in the counties of New York and Kings, nor to any bridge or viaduct constructed under the provisions of any, so-called, grade crossing law.

§ 2. This act shall take effect immediately.

Chap. 591.

AN ACT to amend chapter two hundred and sixty-nine of the laws of eighteen hundred and ninety-seven, entitled "An act to provide for the construction and maintenance of bridges over the waters between cities and towns or incorporated villages in said towns."

Became a law April 27, 1898, with the approval of the Governor.
Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Act
amended.

Section 1. Section four of chapter two hundred and sixty-nine of the laws of eighteen hundred and ninety-seven, entitled "An act to provide for the construction and maintenance of bridges over the waters between cities and towns or incorporated villages in said towns," is hereby amended so as to read as follows:

Issue and
sale of
bridge
bonds.

§ 4. In order to pay for the said bridges, the city, or town, shall have the power to issue bonds to be known as bridge bonds of the said city or town as the case may be by the officers thereof and in the manner provided by law for the issue of other bonds of said city or town to an amount necessary to pay its proportion of the cost of said bridges which shall be borne equally by said city

and town. The total amount of such bonds to be issued by the city shall not exceed twenty thousand dollars, or by a town, twenty thousand dollars. Said bonds shall not be sold for less than the par value thereof and accrued interest, if any; shall mature and be payable at a time not over thirty years from date; be of such denominations and bear such interest, not exceeding five per centum per annum, as the common council of the city, in case of a city; or the town board, in case of a town, shall determine. The proceeds of the said bonds shall be paid to the proper officer for receiving funds of each municipality, and credited to a fund which shall be known as the bridge fund, and shall only be paid out by warrants, as other funds of said city or town are paid out.

Proceeds
of sale.

§ 2. This act shall take effect immediately.

Chap. 592.

AN ACT to amend chapter one hundred and twenty-five of the laws of eighteen hundred and forty-two, entitled "An act to condense and amend the several acts relating to the village of Albion," and the several acts amendatory thereof.

Became a law April 27, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section twelve of title five of chapter one hundred and twenty-five of the laws of eighteen hundred and forty-two, as amended by chapter one hundred and forty-two of the laws of eighteen hundred and seventy-nine, is hereby amended so as to read as follows:

Charter
amended.

12. The board of health and health officer shall possess and exercise all the power and authority of such boards and officers in the towns, villages and cities in the state conferred by any general law, and such other lawful powers as may be conferred by any ordinance or by-law of the village. The board of trustees of said village shall have the exclusive right to fix the compensation of the physician appointed by said board of health as health officer for such village.

Board of
health and
health
officer.

§ 2. This act shall take effect immediately.

Chap. 593.

AN ACT making appropriations for the support of government.

Became a law April 27, 1898, with the approval of the Governor.

Passed by a two-thirds vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Appropriations for fiscal year.

Section 1. The several amounts named in this act are hereby appropriated and authorized to be paid from the several funds indicated, to the respective public officers, and for the several purposes specified, for the fiscal year beginning on the first day of October, in the year eighteen hundred and ninety-eight, namely:

FROM THE GENERAL FUND.

EXECUTIVE DEPARTMENT.

Executive department.

For the governor, for salary, ten thousand dollars.

For lieutenant-governor, for salary, five thousand dollars.

For the private secretary of the governor, for salary, four thousand dollars.

For clerks, stenographer and messenger in the executive department, including the military secretary and messenger, for full compensation, ten thousand five hundred dollars.

For blanks and other books necessary for the use of the executive department, binding, blanks, printing, stationery, telegraphing and other incidental expenses thereof, five thousand dollars.

For the apprehension of criminals and fugitives from justice, one thousand dollars.

For repairs, furniture and incidental expenses of the executive mansion and rent of stable, three thousand dollars, to be paid by the comptroller on the certificate of the governor.

For compensation, expenses and fees of witnesses and sheriffs, upon application for executive clemency, pursuant to chapter two hundred and thirteen of the laws of eighteen hundred and eighty-seven, five hundred dollars.

JUDICIARY.

COURT OF APPEALS.

Court of appeals.

For the judges of the court of appeals, for salaries and expenses, eighty-four thousand five hundred dollars.

For the state reporter, for salary, five thousand dollars; for clerk hire and additional assistance, seven thousand dollars, and for office expenses, one thousand dollars.

For clerk of the court of appeals, for salary, five thousand dollars.

For the deputy clerk of the court of appeals, for salary, three thousand dollars.

For clerks in the office of the clerk of the court of appeals, for salaries, six thousand five hundred dollars.

For the messenger to the clerk of the court of appeals, for salary, twelve hundred dollars.

For furniture, books, binding, blanks, printing, calendars, and other necessary expenses of the office of the clerk of the court of appeals, two thousand five hundred dollars.

For compensation of the crier and attendants of the court of appeals, twelve thousand nine hundred and fifty dollars.

For the messenger to attend to the judges of the court of appeals, for salary, seven hundred and fifty dollars.

For keeping up the state library used by the judges of the court of appeals, twenty-five hundred dollars.

For the payment of services of the librarians of the court of appeals libraries at Rochester, and Syracuse, heretofore paid from the chancery fund, each six hundred dollars, to be paid on vouchers approved by the secretary of the regents of the university.

SUPREME COURT.

For the justices of the supreme court, for salaries and expenses, Supreme court. four hundred and twenty thousand dollars.

For the compensation of deputy clerk and attendants of the appellate division of the supreme court in the second judicial department, nine thousand five hundred dollars, to be refunded to the treasurer as provided by chapter ninety-nine of the laws of eighteen hundred and ninety-six, and chapter two hundred and twenty-three of the laws of eighteen hundred and ninety-seven.

For expenses of the justices of the appellate division of the supreme court, chapter three hundred and ninety, laws of eighteen hundred and ninety-six, fifteen thousand dollars.

For the justices of the supreme court in the second judicial district, not residing in the county of Kings, for additional compensation, pursuant to chapter seven hundred and sixty-five of

the laws of eighteen hundred and sixty-eight, as amended by chapter one hundred and twenty-six of the laws of eighteen hundred and eighty-three, eighteen thousand seven hundred and fifty dollars; and for the stenographers appointed under said first-named act, as amended by chapter one hundred and fourteen of the laws of eighteen hundred and ninety-four, for compensation, six thousand five hundred dollars; said amounts to be paid only from moneys which shall have been or shall be paid into the treasury for taxes levied for the purposes of said acts and in pursuance thereof.

For the stenographers of the supreme court, in the third, fourth, fifth, sixth, seventh and eighth judicial districts, for compensation, pursuant to sections two hundred and fifty-eight and two hundred and fifty-nine of the code of civil procedure, fifty-five thousand dollars, to be refunded to the treasury as required by chapter four hundred and twenty-six of the laws of eighteen hundred and ninety.

For additional stenographers in the third and fourth judicial districts, for necessary compensation, expenses and stationery, the sum of twelve thousand five hundred dollars, to be refunded to the treasury as provided for by chapter two hundred and fifty-eight of the laws of eighteen hundred and ninety-three.

For compensation of confidential clerks to the justices of the supreme court, other than justices of the appellate division, residing in the second judicial district, not including the county of Kings, nine thousand dollars, to be refunded to the treasury pursuant to chapter eight hundred and ninety-two of the laws of eighteen hundred and ninety-six.

For compensation of confidential clerks to resident trial justices of the supreme court in the fifth judicial district, five thousand dollars, to be refunded to the treasury pursuant to chapter eight hundred and ninety-three of the laws of eighteen hundred and ninety-six, and chapter one hundred and forty-five of the laws of eighteen hundred and ninety-seven.

For the expenses of the appellate divisions of the supreme court, forty thousand dollars.

For the several judicial district law libraries, seven thousand two hundred dollars.

MISCELLANEOUS REPORTER.

For salary of miscellaneous reporter, per chapter five hundred and ninety-eight, laws of eighteen hundred and ninety-two, four thousand five hundred dollars. Miscellaneous reporter.

For allowance for assistants, clerk hire, obtaining copies of opinions and office expenses that may be necessary, the sum of three thousand five hundred dollars.

OFFICE OF THE ATTORNEY-GENERAL.

For the attorney-general, for salary, five thousand dollars. Attorney-general.

For the first and second deputies in the office of the attorney-general, for salaries, eight thousand dollars.

For deputies, clerks, stenographers and messengers in the office of the attorney-general, for salaries, nineteen thousand two hundred dollars.

For furniture, books, binding, blanks, printing and other necessary expenses of the office of the attorney-general, seven hundred and fifty dollars.

For costs of suits, fees of sheriffs, compensation of witnesses and office expenses, two thousand dollars, and the amount paid shall, in each case, be certified by the attorney-general.

For the expenses and disbursements of the attorney-general, which shall be allowed to him in lieu of and in full of expenses, two thousand five hundred dollars, payable quarterly.

For the expenses and disbursements of the deputies of the attorney-general, while in the discharge of their duties, thirty-six hundred dollars, payable quarterly.

The attorney-general is hereby authorized to employ as many deputies, clerks, stenographers and messengers as he may deem necessary, and to designate their salaries, but the aggregate salaries for such clerical force, stenographers and messengers shall not exceed the sum hereinabove appropriated for such service.

COURT OF CLAIMS.

For the judges of the court of claims, for salaries and expenses, sixteen thousand five hundred dollars, and the judges shall each receive the sum of five hundred dollars thereof, annually, payable monthly in full for expenses. Court of claims.

For the clerk of the court of claims, for salary, four thousand dollars.

For the deputy clerk of the court of claims, for salary, two thousand five hundred dollars.

For the stenographer to the court of claims, for salary, two thousand five hundred dollars.

For the marshal of the court of claims, for salary, including his services as messenger, twelve hundred dollars.

For contingent fund for the use of the court of claims, three thousand dollars.

All fees of every name and nature received by said clerk or any of his deputies or employes shall be covered into the state treasury, and all laws allowing fees of any kind to said clerk or his deputies are hereby repealed.

OFFICE OF THE SECRETARY OF STATE.

Secretary
of state.

For the secretary of state, for salary, five thousand dollars.

For the deputy secretary of state and clerk of the commissioners of the land office, for salary and for indexing the session laws and making marginal notes thereof, four thousand dollars.

For clerks and messengers in the office of the secretary of state, for salaries, twenty-eight thousand dollars.

For furniture, books, binding, blanks, printing and other necessary expenses of the office of the secretary of state, four thousand dollars.

OFFICE OF THE COMPTROLLER.

Comptroller.

For the comptroller, for salary, six thousand dollars.

For the deputy comptroller, for salary, four thousand dollars.

For clerks in the office of the comptroller, for salaries, fifty-two thousand five hundred dollars.

For messenger in the office of the comptroller, for salary, eight hundred dollars.

For furniture, books, binding, blanks, printing and other necessary expenses of the office of the comptroller, five thousand dollars.

For the expenses of making an examination of the accounts of the several county treasurers of the state, as required by chapter six hundred and fifty-one of the laws of eighteen hundred and ninety-two, for the expenses and disbursements incurred by him in the supervision and administration of the funds paid into court as may be necessary and required by said act, eight thousand dollars.

For the comptroller, to pay the expenses of serving notices on occupants or despoilers of land now owned by the state, or bid in therefor at the comptroller's tax sales; or protecting the state's title to such lands by discharging them from the taxes due thereon, or bidding them in at, or redeeming them from county treasurers' tax sales; of preparing and recording deeds and certificates protecting the state's title to such lands; of definitely locating, appraising and examining them as may be required; of protecting them from trespassers or despoilers, and prosecuting all such offenders, and generally of guarding, preserving the value of, and protecting such lands, three thousand five hundred dollars.

OFFICE OF THE TREASURER.

For the treasurer, for salary, five thousand dollars.

Treasurer.

For the deputy treasurer, for salary, four thousand dollars.

For clerks and messengers in the office of the treasurer, for salaries, fourteen thousand dollars.

For furniture, books, binding, blanks, printing and other necessary expenses of the office of the treasurer, two thousand dollars.

DEPARTMENT OF PUBLIC INSTRUCTION.

For the superintendent of public instruction, for salary, five thousand dollars.

Department of public instruction.

For the deputy superintendent of public instruction, for salary, four thousand five hundred dollars.

For clerks and other employes in the office of the superintendent of public instruction, for salaries, twenty thousand dollars.

For furniture, books, binding, blanks, printing and other necessary expenses of the office of the superintendent of public instruction, five thousand dollars.

For traveling expenses which may be incurred in the visitation of common schools, normal schools, teachers' institutes, Indian schools and other institutions under the supervision of this department and educational associations, one thousand dollars.

For superintendent of public instruction, for printing circulars and programs relating to the observance of Arbor Day for distribution among the school districts of the state, and for the expenses relating to the observance of that day, pursuant to the provisions of chapter five hundred and fifty-six of the laws of eighteen hundred and ninety-four, one thousand dollars, or so much thereof as may be necessary.

For the purpose of carrying out the provisions of chapter six hundred and seventy-one of the laws of eighteen hundred and ninety-four, as amended by chapter nine hundred and eighty-eight of the laws of eighteen hundred and ninety-five, and for the payment of salaries of assistants, expenses and blanks, the sum of twelve thousand dollars.

OFFICE OF THE STATE ENGINEER AND SURVEYOR.

State
engineer
and
surveyor.

For the state engineer and surveyor, for salary, five thousand dollars.

For the deputy state engineer and surveyor, for salary, four thousand dollars.

For clerks in the office of the state engineer and surveyor, for salaries, nine thousand two hundred dollars.

For furniture, books, binding, blanks, printing and other necessary expenses of the office of the state engineer and surveyor, two thousand one hundred dollars.

RAILROAD COMMISSIONERS.

Railroad
commissioners.

For the board of railroad commissioners, for salaries, and expenses, as provided in section one hundred and seventy, article six, chapter five hundred and sixty-five of the laws of eighteen hundred and ninety, as amended by chapter five hundred and thirty-four of the laws of eighteen hundred and ninety-two, and chapter four hundred and fifty-six, of the laws of eighteen hundred and ninety-six, sixty thousand dollars.

For printing and binding the additional reports of the board of railroad commissioners, as provided in section one hundred and sixty-six, article six, chapter five hundred and sixty-five of the laws of eighteen hundred and ninety, twenty-five hundred dollars or so much thereof as may be necessary.

For services and expenses of deputies and clerks in the office of the attorney-general, in proceedings or litigation, for or on account of railroad companies, or in which railroad companies were parties, one thousand dollars, or so much thereof as may be necessary, as may be certified by the attorney-general to the comptroller, which amount is hereby appropriated and authorized to be paid.

The amounts stated in the last three items shall be refunded to the treasury by the several corporations owning or operating

railroads in this state, in such manner and proportion as is prescribed by law.

BANKING DEPARTMENT.

For the superintendent of banks, for salary, seven thousand dollars. And the superintendent of banks shall receive the sum of one thousand five hundred dollars annually, payable monthly, in lieu of and in full for all expenses and disbursements incurred by him. Banking department.

For clerk hire, office rent and for books, binding, blanks, printing and other necessary expenses of the office of the superintendent of banks, nineteen thousand dollars. For rent of branch office city of New York the sum of eight hundred dollars.

The amounts required for the aforesaid salary, clerk hire and other expenses, above mentioned, shall be refunded to the treasury by the several banks, individual bankers, savings banks and trust companies in this state, in whose behalf they are incurred, pursuant to chapter six hundred and eighty-nine of the laws of eighteen hundred and ninety-two.

For carrying out the provisions of chapter six hundred and eighty-nine of the laws of eighteen hundred and ninety-two, providing for reports concerning the dormant accounts in savings banks, one thousand dollars, to be assessed upon and collected from the savings banks making such reports, as provided in said chapter.

For carrying out the provisions of the banking law, chapter six hundred and eighty-nine of the laws of eighteen hundred and ninety-two, as amended, in reference to the supervision and visitation of mortgage, loan or investment companies, and of co-operative savings and loan associations, and for foreign co-operative savings and loan associations, and other similar associations required by the law to report to said superintendent of banks, seven thousand five hundred dollars, to be assessed and collected from said associations and corporations, and refunded to the state treasury, as provided in said banking law.

INSURANCE DEPARTMENT.

For the superintendent of the insurance department, for salary, seven thousand dollars. Insurance department.

For the first and second deputy superintendents of the insurance department, for salaries, nine thousand five hundred dollars.

For clerk hire, furniture, books, binding, blanks, printing and

other necessary expenses of the office of the superintendent of insurance, eighty thousand five hundred dollars. The superintendent of insurance shall receive the further sum of one thousand seven hundred dollars, and the first deputy superintendent, two thousand three hundred dollars annually, payable monthly, in lieu of and in full for all expenses and disbursements incurred by them.

For additional examinations made by the direction of the superintendent of the insurance department, to be used in his discretion, fifteen thousand dollars.

The amount required for the aforesaid salaries, clerk hire, and other expenses of the insurance department, and such additional sum as may be certified to the comptroller by the attorney-general as a reasonable compensation for the services and expenses of deputies and clerks in his office in proceedings or litigation for or on account of insurance companies, or in which insurance companies were parties, not exceeding the sum of one thousand dollars, which sum is hereby appropriated, shall be refunded to the treasury by the several insurance companies, associations, persons and agents to whom said chapter six hundred and ninety of the laws of eighteen hundred and ninety-two applies.

BOARD OF TAX COMMISSIONERS.

Board of
tax com-
missioners.

For the salaries of the tax commissioners the sum of seven thousand five hundred dollars. For the salary of the clerk, two thousand dollars. For clerical help, traveling and other expenses of the board of tax commissioners, five thousand seven hundred and eighty dollars.

COMMISSIONERS OF QUARANTINE.

Quarantine
commis-
sioners.

For the commissioners of quarantine, for salaries, seven thousand five hundred dollars.

LAND OFFICE.

Land office.

For assessments and other expenses of the public lands, and for mileage and expenses of the speaker of the assembly for attendance as commissioner of the land office, five thousand dollars.

PUBLIC OFFICES.

Public
offices.

For postage or expressage on official letters, documents and other matter sent by mail or express by the governor, secretary of state, comptroller, treasurer, attorney-general, state engineer

and surveyor, superintendent of public instruction, regents of the university, adjutant-general, clerk of the court of appeals, state board of charities, state board of health, civil service commission and bureau of labor statistics, fifteen thousand dollars; and for stationery for the aforesaid offices and departments, ten thousand dollars.

PUBLIC BUILDINGS.

For the care, cleaning, labor, lights, salary of the superintendent of public buildings, services of orderlies and watchmen, and all necessary expenses of the public buildings, pursuant to the provisions of chapter two hundred and twenty-seven of the laws of eighteen hundred and ninety-three, one hundred and fifty thousand dollars; provided that the orderlies and watchmen and persons employed in positions, which on March first, eighteen hundred and eighty-six, were designated on the books of the superintendent of public buildings, as those of orderlies and watchmen, who shall receive any portion of said sum of one hundred and fifty thousand dollars for their services, shall be persons who are citizens of the state of New York, and who served in the Union army or navy during the late war, and have been honorably discharged therefrom, and such honorably discharged persons shall not be subject to civil service rules of examination.

UNIVERSITY OF THE STATE OF NEW YORK.

REGENTS' OFFICE.

For salaries of secretary, chief clerk, bookkeeper, clerks in charge of reports, statistics and printing, stenographer, typewriter, messenger and other office assistants, for traveling expenses of regents, officers and inspectors in visitation of institutions and attending meetings, and for furniture, fittings, supplies, printing, telegraphing, repairs and other incidental expenses of the regents' office, pursuant to the provisions of chapter three hundred and seventy-eight of the laws of eighteen hundred and ninety-two, twenty-one thousand dollars.

For the academic department of union schools, to be appropriated as provided by chapter three hundred and seventy-eight of the laws of eighteen hundred and ninety-two, sixty thousand dollars.

For dividends to be apportioned by the regents for the benefit of the academies of the university by chapter three hundred and

forty-one of the laws of eighteen hundred and ninety-five, one hundred and fifty-nine thousand six hundred and sixty-six dollars and fifty-nine cents.

STATE LIBRARY.

State
library.

For books, serials and binding, pursuant to chapter three hundred and seventy-eight of the laws of eighteen hundred and ninety-two, fifteen thousand dollars; three thousand dollars thereof to be paid to the regents on the first day of October next, and the balance in such sums, from time to time as shall be required by them, upon vouchers to be approved by the comptroller.

For salaries of the officers and employes, including the keeper of the records, for assistance required for supervision of the reading-rooms, for cataloguing and classifying the books, and for keeping the library open evenings and holidays, and for maintaining the duplicate department, and for furniture, fittings, supplies, printing, telegraphing, repairs and other incidental expenses, pursuant to chapter three hundred and seventy-eight of the laws of eighteen hundred and ninety-two, twenty-two thousand nine hundred dollars.

STATE MUSEUM.

State
museum.

For the preservation and increase of the collection of the state museum, and for salaries and official expenses of the botanist and entomologist and other employes, pursuant to chapter three hundred and seventy-eight of the laws of eighteen hundred and ninety-two, twelve thousand dollars and for the department of geology and paleontology, for services and expenses, pursuant to chapter four hundred and eighty-eight of the laws of eighteen hundred and ninety-three, twelve thousand four hundred and eighty dollars, payable upon the certificate of the state geologist and the audit of the comptroller.

DEPARTMENT OF AGRICULTURE.

Depart-
ment of
agricul-
ture.

For the promotion of agriculture in this state, eighty-six thousand dollars; twenty thousand dollars thereof shall be distributed in premiums by the New York state agricultural society; of the remaining sixty-six thousand dollars there shall be distributed by the commissioners of agriculture among the American Institute of the city of New York, town, county, and other agricul-

tural societies, fairs, clubs and expositions the amount they are entitled thereto by virtue of the provisions of section eighty-nine of the agricultural law; seventy per centum of the said remainder shall be apportioned among the county agricultural societies, fairs or associations, the American Institute of the city of New York or to the societies, fairs or associations entitled thereto in counties where there are no such county agricultural societies, and thirty per centum thereof shall be apportioned to the various town and other agricultural societies, clubs or exhibitions, to be distributed in the manner provided by section eighty-eight of the agricultural law.

For the necessary expenditures of the agricultural experiment station at Geneva, for salaries, labor, repairs, laboratory, farm implements, dairy, expense of board of control, meteorological instruments, and all other necessary expenses at the station, pursuant to chapter seven hundred and two of the laws of eighteen hundred and eighty-one, chapter four hundred and thirteen of the laws of eighteen hundred and eighty-six, and chapter one hundred and forty-four of the laws of eighteen hundred and ninety-one, and chapter three hundred and thirty-eight of the laws of eighteen hundred and ninety-three, fifty thousand dollars.

For the department of agriculture, for salary of commissioner and for the salaries of the assistant commissioners and clerks, the employment of experts, chemist, agents and counsel, pursuant to chapter three hundred and thirty-eight of the laws of eighteen hundred and ninety-three, and for all the necessary expenses in prosecuting the business of this department, one hundred thousand dollars.

No more than ten assistant commissioners shall be employed by the commissioner of agriculture for said department. The assistant residing in the city of Albany shall receive as salary the sum of two thousand five hundred dollars, and the assistant commissioner residing in the city of New York shall receive an annual salary of two thousand five hundred dollars, and such expenses as may be necessary, when they are away from the city of Albany or New York respectively, on business of said department. The other assistant commissioners shall receive such salaries as shall be fixed by the commissioner of agriculture, and all necessary expenses incurred in the performance of their duties.

Commissioner of new capitol.

COMMISSIONER OF THE NEW CAPITOL.

For the commissioner of the new capitol, for salary, seven thousand five hundred dollars.

LEGISLATURE.

Legislature.

For the compensation and mileage of members and officers of the legislature, four hundred and fifty thousand dollars.

For advances by the comptroller to the clerks of the senate and assembly, for contingent expenses, twenty-five thousand dollars.

For postage, expenses of committees, compensation of witnesses, legislative manual, Croswell's manual, clerk's manual, indexing the bills, journals and documents of the senate and assembly, and other contingent expenses of the legislature, thirty thousand dollars.

STATE PRINTING.

Printing.

For the legislative printing of the state, including binding, mapping, lithographing and engraving, one hundred thousand dollars.

SESSION LAWS AND OFFICIAL CANVASS.

Session laws and canvass.

For the publication of the session laws and the official canvass and official notices provided by law, which are subjects of contract, twenty-five thousand dollars.

PUBLICATION OF GENERAL LAWS.

Publication of general laws.

For the payment of newspapers in the various counties in this state for the publication of the general laws of the state pursuant to chapter seven hundred and fifteen of the laws of eighteen hundred and ninety-two, ninety thousand dollars.

STATE PRISONS.

State prisons.

For the support and maintenance of the several state prisons, pursuant to chapter three hundred and eighty-two of the laws of eighteen hundred and eighty-nine, and for the ordinary repairs of the prisons and supplying water therefor, three hundred thousand dollars.

For the superintendent of state prisons, for salary, six thousand dollars.

For the necessary traveling expenses of the superintendent and his clerk, five hundred dollars.

For necessary clerk hire and copying and a messenger, and for postage, stationery and other incidental expenses, six thousand five hundred dollars.

For compensation of sheriffs, for the transportation of convicts to prisons, asylum for insane criminals, penitentiaries, houses of refuge and reformatories, twelve thousand dollars.

For the maintenance of convicts sentenced to penitentiaries, in pursuance of chapter one hundred and fifty-eight of the laws of eighteen hundred and fifty-six, chapter five hundred and eighty-four of the laws of eighteen hundred and sixty-five, chapter six hundred and sixty-seven of the laws of eighteen hundred and sixty-six, chapter five hundred and seventy-four of the laws of eighteen hundred and sixty-nine, chapter two hundred and forty-seven of the laws of eighteen hundred and seventy-four, chapter five hundred and seventy-one of the laws of eighteen hundred and seventy-five, chapter four hundred and ninety of the laws of eighteen hundred and eighty-five, chapter one hundred and fifteen of the laws of eighteen hundred and ninety-one and chapter five hundred and eighty-seven, laws of eighteen hundred and ninety-two, one hundred thousand dollars.

For the support and maintenance of the state prison for women at Auburn, pursuant to chapter three hundred and six of the laws of eighteen hundred and ninety-three, for ordinary repairs, supplying water therefor and for the transportation of women prisoners, thirty thousand dollars.

MATTEAWAN STATE HOSPITAL FOR INSANE CRIMINALS.

For the support and maintenance of the Matteawan state hospital for insane criminals and for the ordinary repairs of the hospital, fifty thousand dollars.

Hospital
for insane
criminals.

For the resident officers of the Matteawan state hospital for insane criminals, for salaries, eight thousand nine hundred dollars.

INDIAN AFFAIRS.

For the payment of the annuities to the several Indian tribes, as follows:

Indian
affairs.

To the Onondagas, two thousand four hundred and thirty dollars.

To the Cayugas, two thousand three hundred dollars.

To the Senecas, five hundred dollars.

To the Saint Regis, two thousand one hundred and thirty-one dollars and sixty-seven cents.

For the relief of the Onondaga Indians, three hundred dollars.

For compensation of the agent of the Onondaga Indians, two hundred dollars.

For compensation of the agent of the Onondaga Indians, pursuant to chapter one hundred and seventy-eight of the laws of eighteen hundred and forty-seven and chapter six hundred and thirty-five of the laws of eighteen hundred and sixty-nine, sixty-five dollars.

For compensation of the agent of the Onondaga Indians, residing on the Allegany and Cattaraugus reservation, one hundred and fifty dollars.

For compensation of the attorney of the Saint Regis Indians, one hundred and fifty dollars.

For compensation of the attorney of the Seneca Indians, one hundred and fifty dollars.

For compensation of the attorney of the Tonawanda band of Seneca Indians, one hundred and fifty dollars.

NATIONAL GUARD.

National
guard.

For the expenses of the office of the adjutant-general of the state and the national guard and the naval militia of the state of New York, four hundred and fifty thousand dollars, and it shall be the duty of the adjutant-general to file with the comptroller an itemized statement of the expenditure of the same. All appropriations made for the national guard shall be expended according to the provisions of the military code.

CIVIL SERVICE COMMISSION.

Civil
service
commis-
sion.

For the civil service commissioners, for salaries and expenses, seven thousand eight hundred dollars, of which sum the said commissioners shall each receive the sum of six hundred dollars annually, payable monthly in lieu of and in full for all expenses.

For local examinations ten thousand dollars, and such examinations shall be held at least once a year in each city of the state and shall cover all offices for which competitive examinations are required under the civil service.

For the chief examiner, for salary, three thousand six hundred dollars, and for his necessary traveling expenses, incurred in the discharge of his duty, eight hundred dollars.

For a secretary, and necessary clerks, examiners and stenographers, for salaries, to be fixed by the commission, twelve thousand dollars, and for traveling expenses of the secretary, five hundred dollars.

For books, printing, stationery and other necessary expenses of the office of the civil service commission, three thousand dollars.

BUREAU OF LABOR STATISTICS.

For the commissioner of statistics of labor, for salary, three thousand dollars. Bureau of labor statistics.

For the deputy commissioner of statistics of labor, for salary, two thousand five hundred dollars.

For the clerk of the commissioner of statistics of labor, for salary, two thousand dollars.

For the commissioner of statistics of labor, for the actual and necessary expenses of his office, twenty thousand dollars. For expenses of the free employment bureau in New York city, five thousand dollars.

FISH, GAME AND FOREST COMMISSION.

For the commissioners of fisheries, game and forest, for salaries and expenses of officials, twenty-four thousand dollars; for clerical force, six thousand dollars; for game protectors and foresters, thirty-five thousand six hundred and fifty dollars; for shell fish department, six thousand seven hundred and fifty dollars; for the expense and maintenance of fish hatcheries and hatching stations and for the propagation and distribution of food and game fish and fish fry, fifty-four thousand dollars; for stationery, printing and office expenses, three thousand seven hundred and fifty dollars. Fish, game and forest commission.

COUNTY TREASURERS.

For advances to county treasurers on account of taxes on property of non-residents, which may be returned to the comptroller's office, and for adjusting accounts of state taxes with counties, thirty thousand dollars. County treasurers.

TRANSPORTATION.

For expenses of transportation of the session laws, journals and documents of the legislature, reports, books and packages, by express or freight, for public officers, and for expenses of boxes therefor, fifteen thousand dollars. Transportation.

Repay-
ment of
moneys.

REPAYMENT OF MONEYS.

For repayment of money to purchasers, upon redemption of lands sold for taxes, ten thousand dollars.

For repayment of money erroneously paid into the treasury for taxes, ten thousand dollars.

For repayment of money in cases of failure of title to lands sold by the state, one thousand dollars.

SOLDIERS AND SAILORS' HOME.

Soldiers
and sailors'
home.

For the support and maintenance of the New York state soldiers and sailors' home, for the transportation of applicants for admission and for ordinary repairs, one hundred and eighty thousand dollars.

STATE REFORMATORY.

For the New York state reformatory, at Elmira, for maintenance and ordinary repairs, and for the purchase of material, and for expenses of manufacturing, pursuant to chapter seven hundred and eleven of the laws of eighteen hundred and eighty-seven, two hundred and fifteen thousand dollars.

STATE BOARD OF HEALTH.

State
board of
health.

For the state board of health, for the maintenance of its work, in administering the several laws with which it is charged, thirty-five thousand dollars.

DEAF AND DUMB.

Deaf and
dumb.

For the support and instruction of two hundred and fifty pupils at the institute for deaf and dumb in New York city, sixty-five thousand dollars.

For the support and instruction of one hundred and twenty pupils at the institution for the improved instruction of deaf-mutes in New York city, thirty-one thousand two hundred dollars.

For the support and instruction of seventy-five pupils at the Le Couteulx Saint Mary's institution for the improved instruction of deaf-mutes at Buffalo, nineteen thousand five hundred dollars.

For the support and instruction of one hundred and fifteen pupils at the Central New York institution for the improved instruction of deaf-mutes at Rome, twenty-nine thousand nine hundred dollars.

For the support and instruction of one hundred and ninety pupils at Saint Joseph's institution for the improved instruction of deaf-mutes at Fordham, forty-nine thousand four hundred dollars.

For the support and instruction of ninety-five pupils at the western New York institution at Rochester for the improved instruction of deaf-mutes, twenty-four thousand seven hundred dollars.

For the support and instruction of sixty-five pupils at the northern New York institution for deaf-mutes at Malone, sixteen thousand nine hundred dollars.

For the support and instruction of eight pupils at the Albany Home School for the Deaf, two thousand eighty dollars.

A proportionate amount for a shorter period of time than one year, or for a smaller number of pupils in each case, shall be allowed in each of the last eight items, and paid by the comptroller, upon certificate verified by oath of the president and secretary of such institution, and upon the approval of the superintendent of public instruction.

ASYLUMS AND HOSPITALS.

THOMAS ASYLUM.

For the Thomas asylum for orphan and destitute Indian children, for maintenance, salaries of officers and teachers, and ordinary repairs, twenty thousand dollars. Thomas asylum.

BLIND.

For the support and instruction of one hundred and eighty pupils, one year, at the New York institution for the blind, forty-five thousand dollars, or a proportionate amount for a shorter period of time than one year, or for a smaller number of pupils, as shall be duly verified by the affidavits of the president and secretary of the institution. Blind.

For the maintenance and instruction of the inmates of the state school for the blind, at Batavia, and for the ordinary repairs of buildings, forty thousand dollars.

CRAIG COLONY FOR EPILEPTICS.

For the salary of officers and employes of the Craig colony for epileptics, for the maintenance of the institution and for ordinary repairs, sixty thousand dollars. Craig colony.

Juvenile
delin-
quents.

JUVENILE DELINQUENTS.

For the society for the reformation of juvenile delinquents in the city of New York, for maintenance and rewards to inmates and repairs and betterments of tools and equipment and furniture and for repairs to buildings and for necessary tools to properly conduct the trade schools and common schools and military system and photographing of inmates, one hundred and sixty-five thousand dollars.

STATE INDUSTRIAL SCHOOL.

State
industrial
school.

For the state industrial school at Rochester, for maintenance and rewards to inmates and repairs and betterments of tools and equipment and furniture and for repairs to buildings and for necessary tools to properly conduct the trade schools and common schools and military system and photographing of inmates, one hundred and ninety thousand dollars.

SYRACUSE STATE INSTITUTION FOR FEEBLE-MINDED CHILDREN.

Institution
for feeble-
minded
children.

For the Syracuse state institution for feeble-minded children, for maintenance and ordinary repairs, eighty thousand dollars.

CUSTODIAL ASYLUM.

Custodial
asylum.

For the support and maintenance of the inmates of the Newark custodial asylum; for the service of the attendants therein, and for other necessary expenses, and the ordinary repairs of the asylum, fifty thousand dollars.

ROME STATE CUSTODIAL ASYLUM.

Rome state
custodial
asylum.

For the support and maintenance of the inmates of the Rome state custodial asylum; for the services of attendants therein and for other necessary expenses and the ordinary repairs of the asylum, sixty-two thousand dollars.

HOUSE OF REFUGE FOR WOMEN.

House of
refuge for
women.

For the compensation of officers and employes of the house of refuge for women, at Hudson; for the maintenance of the institution and for the transportation of the convicts, sixty-six thousand dollars.

For the compensation of officers and employes of the western house of refuge for women, at Albion; for the maintenance of the

institution and for the transportation of convicts, thirty-three thousand dollars.

WOMEN'S RELIEF CORPS HOME.

For the women's relief corps home, for maintenance and ordinary repairs, fifteen thousand dollars, pursuant to chapter four hundred and sixty-eight, laws of eighteen hundred and ninety-four. Women's relief corps home.

STATE COMMISSION OF PRISONS.

For the secretary of state commission of prisons, for salary, three thousand dollars; and for traveling expenses of the commissioners and secretary, office expenses and clerk hire, ten thousand dollars. State commission of prisons.

STATE BOARD OF CHARITIES.

For the secretary of the state board of charities, for salary, three thousand five hundred dollars; and for the traveling expenses of the commissioners and secretary, for the office expenses and clerk hire, twenty-five thousand dollars. State board of charities.

For the support, care and removal of state, alien and Indian poor, pursuant to chapter five hundred and forty-nine of the laws of eighteen hundred and eighty, chapter two hundred and twenty-five of the laws of eighteen hundred and ninety-six, and chapter five hundred and forty-six, laws of eighteen hundred and ninety-six, forty thousand dollars; and it shall be the duty of said board, in their annual report to the legislature, to give a complete and itemized statement of the expenditures for state paupers during the preceding fiscal year.

WEIGHTS AND MEASURES.

For the superintendent of weights and measures, for salary, three hundred dollars. Weights and measures.

CORNELL UNIVERSITY.

For payment to Cornell university, being the interest at five per centum on the proceeds of the college land scrip fund pursuant to chapter seventy-eight of the laws of eighteen hundred and ninety-five, thirty-four thousand four hundred and twenty-eight dollars and eighty cents. Cornell university.

For the state veterinary college at Cornell university, for maintenance, equipment and necessary material to conduct the same,

twenty-five thousand dollars, payable to the treasurer of Cornell university on the warrant of the comptroller.

STATE HISTORIAN.

State historian.

For the state historian, for salary, four thousand five hundred dollars; for the salary of a stenographer, one thousand dollars; and for stationery and other office expenses, three hundred and fifty dollars.

FACTORY INSPECTORS.

Factory inspectors.

For the factory inspector, assistant and deputy factory inspectors and employes, for salaries, and for actual and necessary expenses, pursuant to the provisions of chapter four hundred and fifteen of the laws of eighteen hundred and ninety-seven, eighty thousand dollars.

STATE BOARD OF MEDIATION AND ARBITRATION.

Board of mediation and arbitration.

For the members, officers and employes of the state board of mediation and arbitration, for salaries and actual and necessary expenses, sixteen thousand dollars.

NIAGARA RESERVATION.

Niagara reservation.

For the commissioners of the state reservation at Niagara, for salaries and for actual and necessary expenses, twenty-five thousand dollars.

STATE EXCISE DEPARTMENT.

State excise department.

For salaries and expenses of state excise department, pursuant to chapter one hundred and twelve of the laws of eighteen hundred and ninety-six and chapter three hundred and twelve, laws of eighteen hundred and ninety-seven, namely: Salary of state commissioner of excise, five thousand dollars; expenses and disbursements, which shall be allowed him in lieu and in full of expenses, eighteen hundred dollars; salary of deputy commissioner, four thousand dollars; expenses and disbursements, which shall be allowed him in lieu and in full of expenses, fifteen hundred dollars; for salary of three special deputy commissioners (New York, Brooklyn and Buffalo), clerk hire (including counsel for Albany, New York, Brooklyn and Buffalo offices), salaries and expenses of sixty special agents, printing certificates, books (including books for county treasurers), law cases, blanks, et cetera, office equipments, stationery and office supplies, rentals for New

York, Brooklyn and Buffalo offices, telegraphing, telephoning, expressing (including telephone rentals), expenses of enumeration and examining county treasurers' excise accounts, attorneys' fees and disbursements, as per section ten, furniture, fittings, supplies, postage and other incidental expenses necessary to carry out the provisions of said law, the sum of two hundred and eighty-eight thousand dollars.

For the state commissioner of excise two hundred and fifty thousand dollars, to pay refunds on surrender of liquor tax certificates, under the provisions of the liquor tax law, to be paid by the state treasurer from excise moneys in his hands upon the certificate of the comptroller.

MISCELLANEOUS.

For supplying other states with reports of the court of appeals Court reports. and the supreme court, pursuant to section twenty-seven of the executive law as amended by chapter two hundred and forty-eight of the laws of eighteen hundred and ninety-three, one thousand dollars.

For the inspector of gas meters, for salary and salaries of Inspector of gas meters. deputies, as provided for by chapter three hundred and eighty-five of the laws of eighteen hundred and ninety-three, nine thousand five hundred dollars, which sum hereby appropriated shall be refunded to the treasury by the several gas-light corporations in this state in amounts proportionate to the amount of the capital stock of such corporation respectively, to be ascertained and assessed by the comptroller of the state in accordance with the provisions of chapter three hundred and eighty-five of the laws of eighteen hundred and ninety-three.

For the trustees of Washington's headquarters, at Newburgh, Washington's headquarters. for compensation of the superintendent, and for the care, maintenance, repairs and improvements of the grounds, one thousand dollars.

For the compensation of gate tenders for the state dams upon the Beaver and Moose rivers, as provided by chapter one hundred and sixty-eight of the laws of eighteen hundred and ninety-four, the sum of one thousand one hundred dollars, to be paid by the comptroller on the certificate of the commissioners appointed under said act, or a majority thereof. Gate tenders for state dams.

For the trustees of public buildings, for the salary of the keeper of the senate-house property. at Kingston, pursuant to chapter Senate house property.

two hundred and twenty-seven of the laws of eighteen hundred and ninety-three, six hundred dollars.

Port wardens.

For the expenses of the board of port wardens of the port of New York, pursuant to chapter one hundred and forty-two of the laws of eighteen hundred and ninety-one, forty-five hundred dollars.

Superintendent of state survey.

For the compensation of the superintendent of the state land survey, pursuant to chapter five hundred and eighty-nine of the laws of eighteen hundred and ninety-five, five thousand dollars; and for continuing the work of the state land survey, pursuant to chapter five hundred and eighty-nine of the laws of eighteen hundred and ninety-five, twenty-five thousand dollars, and which shall be immediately available.

Janitor Saratoga monument.

For salary of janitor of the Saratoga monument, five hundred dollars, per chapter nine hundred and fifty-five, laws of eighteen hundred and ninety-five.

Draw-bridge tender.

For the compensation of the tender and for the maintenance and operation of the draw-bridge over Minneceongo creek, Rockland county, the sum of seven hundred dollars.

Grant cottage.

For care and maintenance of Grant cottage, per chapter six hundred and sixty-seven, laws of eighteen hundred and ninety-six, one thousand dollars.

Inspectors of steam vessels.

For the inspectors of steam vessels, for salaries and expenses, pursuant to chapter five hundred and ninety-two, laws of eighteen hundred and ninety-seven, nine thousand dollars. The sum of five thousand dollars, or so much thereof as may be necessary, is hereby appropriated from the canal fund to pay for the services and disbursements incurred by the agent employed by the superintendent of public works on request of the attorney-general, as provided in section two hundred and seventy of the code of civil procedure, in defense of claims against the state, on account of canals; such sum to be advanced to said agent by the comptroller, upon his filing with the comptroller a good and sufficient bond in the sum of ten thousand dollars, for the same. But no account for such services, disbursements and expenses shall be paid until the same has been presented to and approved by the canal board.

PAYABLE FROM THE FREE SCHOOL FUND.

Common schools.

For the support of the common schools of the state, three million five hundred thousand dollars.

For the state superintendent of public instruction for the support and maintenance of the state normal and training schools, the sum of two hundred and ninety thousand dollars, payable upon bills to be audited by him.

Normal
schools.

For the maintenance of teachers' institutes, pursuant to chapter five hundred and fifty-six of the laws of eighteen hundred and ninety-four, and for the preparation of question papers, and the supervision of examinations for state certificates and uniform commissioners' certificates by institute conductors, forty thousand dollars.

Teachers'
institutes.

Examina-
tions.

For the department of public instruction for defraying the expenses of the examination of answer papers submitted under the uniform system of examinations of commissioners' certificates as provided for by chapter five hundred and fifty-six of the laws of eighteen hundred and ninety-four, fifteen thousand dollars, or so much thereof as may be necessary.

Answer
papers.

For the commissioners of common schools, for salaries, one hundred and six thousand dollars.

School
commis-
sioners.

For the department of public instruction, for printing and binding fifteen thousand school registers, pursuant to chapter five hundred and fifty-six of the laws of eighteen hundred and ninety-four, and for printing and binding twenty-five thousand copies of trustees' reports, and for packing and boxing the same, five thousand two hundred dollars.

School
registers
and re-
ports.

For instruction and supervision of classes of common school teachers in the academies and union schools designated by the superintendent of public instruction, pursuant to chapter five hundred and fifty-six of the laws of eighteen hundred and ninety-four, sixty thousand dollars.

Teachers'
classes.

For the expense of holding examinations for commissioners' certificates, common school examinations in connection with the course of study adopted by school commissioners and approved by the superintendent of public instruction, state certificates and state scholarships in Cornell university, and for preparing and printing blanks, circulars, question papers and certificates necessary for such examinations, and for printing graduates' certificates issued by the superintendent of public instruction, pursuant to chapter five hundred and fifty-six of the laws of eighteen hundred and ninety-four, eight thousand dollars.

School
examina-
tions.

Certifi-
cates.

PAYABLE FROM THE COMMON SCHOOL FUND.**CAPITAL.**

Investment of capital. For investment of the capital of the common school fund, pursuant to chapter four hundred and thirteen of the laws of eighteen hundred and ninety-seven, fifty thousand dollars, or so much thereof as may be necessary.

REVENUE.

Dividends to schools. For dividends to common schools, revised statutes, chapter five hundred and fifty-six, laws of eighteen hundred and ninety-four, one hundred and seventy thousand dollars.

Indian schools. For support of Indian schools, chapter five hundred and fifty-six of the laws of eighteen hundred and ninety-four, seven thousand dollars.

PAYABLE FROM THE LITERATURE FUND.**REVENUE.**

Dividends to academies. For dividends to be apportioned by the regents for the benefit of the academies of the university, chapter three hundred and seventy-eight of the laws of eighteen hundred and ninety-two, twelve thousand dollars.

PAYABLE FROM THE UNITED STATES DEPOSIT FUND**CAPITAL.**

Investment of fund. For investment of the United States deposit fund, in pursuance of chapter four hundred and thirteen of the laws of eighteen hundred and ninety-seven, fifty thousand dollars, or so much thereof as may be necessary.

REVENUE.

Dividends to schools. For dividends to common schools, chapter five hundred and fifty-six of the laws of eighteen hundred and ninety-four, and chapter five hundred and seventy-three of the laws of eighteen hundred and ninety-two, as amended by chapter five hundred and forty-six of the laws of eighteen hundred and ninety-five, seventy-five thousand dollars.

Dividends to academies. For dividends to be apportioned by the regents for the benefit of the academies of the university, chapter three hundred and seventy-eight of the laws of eighteen hundred and ninety-two, thirty-four thousand dollars.

For apportionment of public library money by the regents of the university, for the benefit of free libraries and the purchase of books to be lent in accordance with sections fourteen, forty-seven and fifty of chapter three hundred and seventy-eight of the laws of eighteen hundred and ninety-two, twenty-five thousand dollars.

Public library money.

For amount to be added to the capital of the common school fund, article nine of constitution, twenty-five thousand dollars.

Capital of school fund.

For establishing and conducting examinations in accordance with chapter four hundred and twenty-five of the laws of eighteen hundred and seventy-seven, and for conducting preliminary examinations for law students, as prescribed by the rules of the court of appeals, in pursuance of section one hundred and ninety-three of the code of civil procedure, and for medical students, as prescribed by section one hundred and forty-five of chapter six hundred and sixty-one of the laws of eighteen hundred and ninety-three, twenty-six thousand five hundred dollars.

Examinations of law and medical students.

PAYABLE FROM THE MILITARY RECORD FUND. REVENUE.

For the adjutant-general for the expenses of the bureau of military records, two thousand dollars.

Bureau of military records.

The several amounts herein appropriated shall be paid by the treasurer from their respective funds, as specified, pursuant to the requirements of chapter four hundred and thirteen, laws of eighteen hundred and ninety-seven, and chapter five hundred and forty-six, laws of eighteen hundred and ninety-six, and it shall be the duty of the treasurer to report annually to the legislature the details of the several expenditures.

Payment of appropriation.

Annual report of treasurer.

Chap. 594.

AN ACT to provide for the holding of town meetings and elections in counties of the state having a certain population.

Became a law April 28, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The next town meeting or election at which town officers shall be elected in any county of the state having a popu-

Time and place of holding town meetings.

lation of over one hundred and fifty thousand and less than one hundred and sixty thousand inhabitants, according to the state enumeration next preceding the passage of this act, shall be held on the first Tuesday after the first Monday in November in the year eighteen hundred and ninety-nine, and biennially thereafter at the same places as general elections in such towns are held. No person shall be entitled to vote at any such town meeting and election unless he is registered and entitled to vote at the general election held at the same time that such town meeting is held. All elective town officers shall be elected at such general election in the same manner and on the same ballot as other officers who may be elected thereat. Certificates of nomination of candidates for town office in any such towns shall be in duplicate, one of which shall be filed with the town clerk of the town, and the other with the clerk of the county wherein such town is located, and if nominated by a political party, at least twenty days and not more than thirty days before such town meeting and election is held, or, if independent nominations at least fifteen days and not more than thirty days prior thereto. The ballots prepared by the county clerk shall include the names of all candidates nominated for town offices in any such towns. The county clerk shall apportion to and charge the several towns in any of such counties with their respective proportionate shares of the expense of the preparation and distribution of such ballots.

Qualifica-
tions of
voters.

Election of
officers.

Certifi-
cates of
nominations.

Ballots for
candidates.

Ballots for
submission
of ques-
tions, etc.

Canvass
of votes.

Duties of
inspectors.

§ 2. Ballots for the submission of questions or propositions relating to town affairs shall be prepared and furnished at the expense of the town by the clerk thereof, as provided in the election law. Such ballots shall be distributed by the town clerk at the same time and in the same manner as are other ballots to be voted at a general election.

§ 3. At the close of the polls at any such biennial town meeting and election in any such town the inspectors of election shall proceed to canvass the votes for the candidates for the several town offices, and for and against all town propositions duly submitted to the voters of such town in the election districts where such meeting and election was held, in the same manner as the votes for other candidates and propositions cast at the general election are canvassed. The inspectors of election shall perform the same duties with respect to the canvass of the vote and the filing of the returns thereof for such town officers, and all other

matters pertaining to the determination of the result of the election as is now provided by law, with respect to the canvass and return of the votes cast for other officers elected at the general election held at the time of the holding of such town meeting and election. The county board of canvassers shall canvass the votes cast at any such town meeting and election for town officers and propositions voted upon at any such town meeting and election, in the same manner as is provided by law for the canvass of votes cast at general elections. All provisions of law relating to the canvass of votes cast at a general election by the county board of canvassers, to the correction of clerical errors, the review of the determination by such board of canvassers, and all other matters pertaining to the canvass of the votes cast at a general election, shall be applicable to the canvass of all votes for such town officers and propositions. The county clerk of any such county shall transmit to the clerk of each town therein a certified copy of the determination of the county board of canvassers as to the election of each town officer and proposition voted for at the town meeting and election held in such town. The town clerk of each town in any such county shall transmit to each person declared to be elected to a town office therein, a certified copy of each certificate of the determination of the county board of canvassers of any such county as filed with him. Upon the receipt by the town clerk of the certified copy of the certificate of the determination of the county board of canvassers hereinbefore mentioned, the town clerk and justices of the peace shall meet and appoint in writing the additional inspectors of election as required by law. All the provisions of the election law not inconsistent with the provisions of this act shall apply to and govern town meetings and elections held as provided herein.

Canvass
by county
board.

Transmis-
sion of
copy to
town
clerk.

Duty of
town clerk.

Appoint-
ment of
additional
inspectors.

Election
law
applicable.

§ 4. There shall be elected at the town meeting and election to be held in each town in any such county on the first Tuesday after the first Monday in the year eighteen hundred and ninety-nine, and biennially thereafter; one supervisor, one town clerk, three assessors, one or three commissioners of highways, one collector, one or two overseers of the poor, not more than five constables, and two inspectors of election for each election district, all of whom shall hold office for a term of two years beginning on the first day of January, nineteen hundred. There shall also be elected at such town meeting and election and biennially

Officers to
be elected.

thereafter, two justices of the peace for terms of four years, beginning on the succeeding first day of January. The collectors elected at such town meetings and elections shall enter on the discharge of their duties after their predecessors shall have completed the duties of their offices, in respect to the collection of taxes and the return thereof, as now prescribed by law.

Account-
ing of
super-
visors.

Meeting of
town
board.

§ 5. The supervisor in each one of the towns in any such county shall, on the last Tuesday in December of each year, account with the justice of the peace and town clerk of the town for the disbursement of all moneys received by him. The town board in each of such towns shall meet on the last Tuesday of December of each year for the purpose of receiving the accounts of town officers. The provisions of section one hundred and sixty-one of the town law, relating to the first meeting of the town board, shall apply to the meeting so held in any such town for the receiving of accounts of town officers.

§ 6. This act shall take effect immediately.

Chap. 595.

AN ACT to amend chapter twenty-six of the laws of eighteen hundred and eighty-five, entitled "An act to revise, amend and consolidate the several acts in relation to the city of Syracuse, and to revise and amend the charter of said city," and the several acts amendatory thereof.

Accepted by the city.

Became a law April 28, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

City
charter
amended.

Section 1. Section one hundred and fifty-one of chapter twenty-six of the laws of eighteen hundred and eighty-five, entitled "An act to revise, amend and consolidate the several acts in relation to the city of Syracuse, and to revise and amend the charter of said city," as amended by chapter nine hundred and fifty of the laws of eighteen hundred and ninety-five and by chapter eighty-nine of the laws of eighteen hundred and ninety-seven, is hereby further amended so as to read as follows:

Sewers to
conform to
system.

§ 151. All sewers constructed in said city shall conform in all things to the system of sewerage set forth in the report and shown

on the map made by Samuel M. Gray, of Providence, Rhode Island, adopted by the common council April fifteen, eighteen hundred and ninety-five, and file said report in the office of the city clerk and said map in the office of the city engineer, except it be made to appear to the common council that said system is incorrect, in which case the said common council may, in their discretion, make any necessary changes in said system, and may increase the size or change the grade of any sewer and determine its place of discharge, and such change and the determination of the common council shall be carried out under the advice and direction of the commissioner of public works; and whenever such system provides for the construction or extension of any sewer beyond the corporate limits of said city, said common council shall have the power, and is hereby authorized to order the construction or extension of the same beyond such corporate limits, having first obtained the consent or approval of the lawful authorities of any village or town through which the same is proposed to be constructed or extended, and the consent of the owners of any private property in such town or village through which said sewer may run. When such system, as adopted or changed, provides for the construction or extension of any sewer through private property, said common council shall have the power and is hereby authorized to order the construction or extension of the same through such private property, having first obtained the consent of the owners of the same, or having acquired the right to so construct and maintain the said sewer as hereinafter provided. In case such consent can not be obtained, then the common council shall have the power, and is hereby authorized to acquire the right of way for the purpose of constructing and maintaining said sewer across, and the right to construct and maintain said sewer through, said private property, and the proceedings to so acquire the same shall be the same, as near as may be, as in the case of laying out, widening, altering or straightening a street, and governed by the provisions of title ten of this chapter; provided, however, that upon the coming in of the report of the commissioners appointed in said proceedings, the common council may cause to be paid or tendered and deposited the sums awarded by said commissioners, and to be paid, as compensation for said right of way to construct and maintain said sewer across and through said private property, in the manner provided in section one hundred and

Change in
system.

Extension
of sewers
beyond
corporate
limits.

Continua-
tion, etc.,
through
private
property.

Acquisi-
tion of
right of
way.

Proceed-
ings to
acquire
same.

seventy-three of this chapter without waiting for the final determination of said proceedings; and thereupon and upon such payment, or tender and deposit, the city shall be entitled to enter upon and take possession of and use said property for the purpose of constructing and maintaining said sewer, and no appeal by the city or any person aggrieved shall affect the possession or right of possession or use by the city of said property or the right of way over the same for the purpose of constructing and maintaining said sewer; and when an appeal is taken by others than the common council it shall not be heard except upon the stipulations of the party appealing not to disturb said possession; and the cost of procuring said right of way and right to construct and maintain said sewer across and through said private property shall be added to and assessed and collected as a part of the cost of constructing said sewer. Provided, also, that in proceedings to so acquire the right to construct and maintain a sewer through private property, it shall not be necessary for the map required by section one hundred and sixty-six of said title ten of this chapter to show who are the owners of any property excepting that in or through which the right to construct and maintain such sewer is sought to be acquired; and that the publication of the notice required by section one hundred and sixty-seven of said title ten shall be construed as sufficient service of said notice upon all persons other than the owners in fee of the property in or through which said sewer is to be constructed and maintained.

Proviso as
to map and
notice.

§ 2. This act shall take effect immediately.

Chap. 596.

AN ACT to amend chapter one hundred and sixty-three of the laws of eighteen hundred and seventy-three, entitled "An act to organize and establish a police department for the city of Yonkers," and the acts amendatory thereof.

Accepted by the city.

Became a law April 28, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Act
amended.

Section 1. Chapter one hundred and sixty-three of the laws of eighteen hundred and seventy-three, and the acts amendatory thereof, are hereby amended so as to read as follows:

§ 1. There shall be in the city of Yonkers a department designated as the "board of police commissioners" under the control and direction of four commissioners, to be appointed by the mayor, by and with the consent of the common council of said city, whose term of office shall be four years; provided, however, that the commissioners of police now in office shall hold office as such under this act until the expiration of the terms for which they were appointed. The commissioners shall be citizens of the United States and shall be residents of the city of Yonkers during their term of office, and shall not at the time of their appointment, and during their term of office, hold any other office under the municipal government. They shall, within ten days after receiving notice in writing under the corporate seal of the city, and the hand of the city clerk, of their appointment, qualify by taking and filing in the office of the city clerk the constitutional oath of office; in default thereof they shall be deemed to have declined the appointment. A vacancy shall be filled in the same manner for the unexpired term of a commissioner whose office shall become vacant by death, resignation, removal, nonresidence or otherwise.

Board of
police com-
missioners.Qualifica-
tions.Oath of
office.Vacancies
in board.

§ 2. The board of police commissioners created by this act shall exercise within said city the powers and fulfill the duties connected with and incident to police government and discipline as hereinafter more especially provided. They shall appoint from their number one who shall be the secretary of the board. Such secretary shall be entitled to receive for his services compensation at the rate of three hundred and sixty dollars per annum.

Powers
and duties.Secretary
of board.

§ 3. The police commissioners, or any one of them, may be removed from office by a three-fourths vote of all the members elected to the common council, for neglect of duty, malfeasance or malversation in office, incapacity, bribery or corruption, but no removal shall be made unless upon charges, nor unless the commissioner or commissioners accused shall have been served with a copy of the charges, and shall have had an opportunity to be heard in his defense. And the mayor or common council may, in their discretion, after or before charges shall have been preferred by any person, suspend, by a three-fourths vote of all the members elected, such commissioner or commissioners from all duty until the final determination of the charges against him or them. In case the mayor shall suspend any one or more of said

Removals
for cause.Suspension
from duty.

commissioners from duty, he shall, within three days thereafter call a special meeting of the common council, and report such suspension and his reasons therefor to the common council. If the common council shall disapprove of the action of the mayor in suspending such commissioner or commissioners, it shall so declare by resolution, and such commissioner shall thereupon return to duty. If, however, the common council shall sustain the action of the mayor, the common council shall, as soon thereafter as practicable, proceed to hear the defense of the commissioner or commissioners accused, and finally dispose of the matter without delay.

Police
force and
salaries.

§ 4. The said department shall, besides said commissioners, consist of a captain of police, whose salary shall be two thousand dollars a year; four sergeants of police, whose salaries shall be sixteen hundred dollars a year each; forty-five patrolmen, whose salaries shall be as follows: Not less than seven hundred and fifty nor more than nine hundred dollars for the first year of service; not less than nine hundred dollars nor more than a thousand dollars for the second year of service; not less than one thousand dollars nor more than eleven hundred dollars for the third year of service, and thereafter not more than twelve hundred dollars, in the discretion of said commissioners. Patrolmen, not exceeding two, assigned to duty as roundsmen, shall receive an additional compensation of one hundred dollars a year during such assignment. The number of said patrolmen, however, may be increased in the discretion of the said commissioners, one in each year commencing March first, eighteen hundred and ninety-nine. One electrician at twelve hundred dollars a year; one police surgeon at such compensation as the board shall fix from time to time, not exceeding eight hundred dollars a year; two station-house keepers at eight hundred dollars a year each; one hostler at eight hundred dollars a year; one assistant hostler at not exceeding six hundred dollars a year; one clerk at not exceeding nine hundred dollars a year. All members of the present force shall retain their present rank and receive the salaries herein provided therefor, except as herein provided, and all members of the said department shall hold office during good behavior except the clerk, electrician and assistant hostler, and persons appointed on probation, who shall hold office only during the pleasure of the

Present
force.

board. All appointments, promotions and removals shall be made by the board, entered on its minutes and certified in writing under the hand of the president and secretary of said board. Appoint-ments, etc.

§ 5. The said board shall have power to pass such rules, regulations, orders for the government of the police force as they may deem proper, including power to fix penalties for all offenses, either by dismissal, fines, suspension from duty without pay or otherwise. Rules and regula-tions.

§ 6. Said board shall provide such station-houses, jails and the furnishings thereof as they may deem necessary, and also stables, horses, wagons and all necessary equipments thereof; also badges, shields and clubs; and provide all such other things as may be necessary for the proper administration of said police force and for the accommodation of the business of said board. Station-houses, equip-ments, etc.

§ 7. The said board may make provision respecting security to be given by the captain of police and other officers of said force for the faithful performance of their respective duties. Security by officers.

§ 8. The board of police or the captain of police may, upon emergency or apprehension of riot, tumult, mob insurrection, pestilence or invasion, appoint as many special patrolmen without pay from among the citizens as it or he may deem desirable, and may demand the assistance of the military by order, in writing, served upon the commanding officer of any regiment, battalion, company, troop or battery of the national guard of the state of New York or within the county of Westchester, whose duty it shall be to obey immediately. Special patrolmen.

§ 9. During the service of any special policeman authorized as aforesaid, he shall possess all the powers, privileges, and perform all the duties that may be, by orders, rules and regulations from time to time prescribed. Every such special patrolman shall wear a badge to be prescribed and furnished by the board of police. Powers and duties of special patrolmen.

§ 10. The said board shall have power to issue subpoenas, cited in the name of its president, to compel the attendance of witnesses upon any proceeding authorized by its rules and regulations. Each member of the said board, the captain of police and the sergeants are hereby authorized and empowered to administer oaths and affirmations to any person appearing in any manner on proceedings authorized as aforesaid, and to take any deposition necessary to be made under the rules and regulations of the said board of police, for the purposes embraced in this act. And any wilful and corrupt false swearing by any witness or person to any material fact Power to issue sub-poenas and administer oaths. False swearing.

Failure to
obey sub-
poenas, etc.

in any necessary proceedings under the said rules and regulations of this act, shall be deemed perjury and be punished in the manner now prescribed by law for that offense. And in case any person subpoenaed under this section shall fail or refuse to obey such subpoena, or refuse when required to take the proper oath or affirmation or to answer any proper question, upon the presentation of satisfactory proof of the same to a justice of supreme court or the city judge of the city of Yonkers, it shall be the duty of the justice or judge, to whom such presentation shall have been made, to issue an order returnable before him at an early day, requiring the person so failing or refusing to show cause why an attachment should not be issued against him, and to adopt such other and further measures to compel the person to appear and testify and to punish disobedience as if the matter was legally pending in the supreme court or in the county court of said county, or in the city court of Yonkers.

Books and
records.

§ 11. The said board shall cause to be kept such books and records as shall be necessary for the proper administration of the department, and shall also keep full and complete minutes of all proceedings of said board, which books, records, and minutes shall be open to public inspection only in the discretion of said board.

School of
instruc-
tion.

§ 12. The said board may establish a school of instruction with such rules and regulations as they may deem proper, and all newly appointed patrolmen shall be placed in such school before being assigned to their full duties, and any patrolman who by want of knowledge of his duties, or who shall be negligent in the execution thereof, may in the discretion of the board of police be reduced and assigned to the school of instruction and remain there during the discretion of the board. The salary of all patrolmen assigned to the school of instruction shall not be less than seven hundred and fifty dollars per annum; and all newly appointed patrolmen, while in the school of instruction, may be removed by said commissioners without trial.

Annual re-
quisition
for ex-
penses.

§ 13. The said board of police shall, between the first and fifteenth days of December in each and every year, make a requisition upon the common council of the city of Yonkers, in detail for the amount said board shall fix and determine as necessary for the expenses of the board and police force by this act established for the fiscal year next ensuing, but such amount shall not exceed in any one year twelve thousand dollars in addition to the salaries herein authorized to be paid. The fiscal year shall com-

mence on the first day of March. The common council of the city of Yonkers shall annually assess and levy in the manner provided by law for assessing and levying the city tax, the amount of said requisition, less the amount in the city treasury to the credit of the police fund at the date thereof, in excess of the balance unexpended of the amount of the requisition for the expenses of the board and police force for the current fiscal year. All salaries, claims, accounts and demands against said board of police which shall be allowed by said board shall be paid out of the moneys in the city treasury to the credit of the police fund, but no such moneys shall be paid out except by warrants signed by the president and secretary of the said board. Said board of police commissioners shall annually on the first day in March in each year, and at such other times as required by the common council of the city of Yonkers, deliver to the said common council a detailed statement of all the accounts of said board of police, a general statement of its work, the condition of its affairs and the state of its finances.

Tax for
amount.

Salaries,
claims, etc.,
payable
from po-
lice fund.

Annual
statement
of ac-
counts, etc.

§ 14. No person holding office under this act shall be liable to jury or military duty, or to arrest on civil process, or to service of subpoena from civil courts while actually on duty.

Exemption
from jury
or military
duty.

§ 15. No member of the police force or of the board of police commissioners shall, under any pretense whatever, receive or share in any present, gift, fee, reward, emolument for service as a member of the police or of the board, additional to his regular salary or compensation; provided, however, the board of police commissioners for meritorious and extraordinary services rendered by any member of the police force in the due discharge of his duty, may permit any member of the police force to retain for his own benefit any reward or present tendered him therefor.

Rewards or
presents to
members
of force.

§ 16. It is hereby made the duty of said police force at all times of the day and night within the said city of Yonkers, to preserve the public peace, prevent crime, detect and arrest offenders, suppress riots and insurrections, protect the rights of persons and property, guard the public health, preserve order at meetings and at every primary and public election, to remove nuisances from the public streets and public and private alleys, roads, places, water-courses and highways, repress and restrain disorderly houses and houses of ill-fame, to arrest all street beggars and mendicants, to provide a proper police attendance at every fire for the protection and assistance of firemen; to arrest, provide

Duties of
police
force.

for and protect emigrants, strangers and travelers in public streets and at railroad depots; enforce every law and ordinance relating to the suppression of crime; to promptly report to the common council of the city of Yonkers every violation of the ordinances of said city, to serve all criminal process within said city, and exercise all the powers and perform all the duties incumbent upon a police force.

Power to
arrest
without
process.

§ 17. The several members of said force shall have power and authority, immediately and without process, to arrest and to take into custody any person who shall commit or threaten or attempt to commit, in the presence of such member or within his view, any breach of the peace or offense directly prohibited by act of the legislature or by any ordinance of the city of Yonkers; but such member of the police force shall immediately upon such arrest convey in person such offender before the nearest magistrate having jurisdiction of the offense, that he may be dealt with according to law.

Execution
of war-
rants, etc.

§ 18. The members of the said board of police commissioners, and of the police force, shall possess in every part of the state of New York all the common law and statutory powers of constables, except for the service of a civil process; and any warrant for search or arrest, issued by any magistrate of the state of New York, may be executed in any part of the state by any member of the police force of said district according to the terms thereof; and all the provisions of sections seven, eight and nine of chapter two, title two, part four of the revised statutes, in relation to the giving and taking of bail, shall apply to this act.

Bail.

With-
drawals or
resigna-
tions.

§ 19. No member of the police force, under penalty of forfeiting the salary or pay which may be due to him, shall withdraw or resign, except by permission of the board of police. Unexplained absence without leave of any member of the police force for three days, may be deemed by the board of police and held to be a resignation by such member and accepted as such.

Removals
for cause.

§ 20. No member of the police force shall be removed except as herein provided until after written charges shall have been preferred against him and the same shall have been publicly heard and examined by said board, after reasonable notice to him thereof by said board. No person shall be appointed by said board who is not a citizen of the United States, or who has ever been convicted of a crime, or who can not understandingly read and write in the English language. Nor shall any person be so

Qualifica-
tions for
members
of force.

appointed who has not been an actual resident of said city for at least three years before his appointment.

§ 21. Each member of the police force shall subscribe on oath ^{Oath of office.} of office in the constitutional form in a book kept for that purpose, and shall take said oath before a member of the board of police commissioners, each of whom is hereby authorized to administer such oath and certify the taking thereof.

§ 22. The salaries and compensations herein provided for shall be paid monthly by the board in modes to be prescribed by the rules and regulations of the board, subject to such deduction each month from the salary or pay of members of said police force as the board shall make to satisfy fines imposed on any member of said force by way of punishment for improper conduct or offense committed. ^{Payment of salaries and compensation.}

§ 23. The captain of police shall be subordinate to the board of police, the chief executive of the police force, and he shall obey and cause the force under him to obey the rules and regulations that may be, from time to time, established by the said board of police, in accordance with the provisions of this act. In case of sickness, absence, suspension or other inability of the captain to act, the board of police commissioners shall designate one of the sergeants to act in place of the captain until his return to duty. ^{Captain of police.}

§ 2. All moneys in the hands of the city treasurer to the credit of the board of police for the city of Yonkers, and all moneys levied and assessed by the common council of the city of Yonkers, for the expenses of the board of police for the current fiscal year, shall be applicable for the expenses of the board of police commissioners for the current fiscal year, and all property except real estate of the board of police of the city of Yonkers shall become and be the property of the board of police commissioners herein provided for. ^{Moneys applicable to expenses of board. Property of board.}

§ 3. This act shall take effect immediately.

Chap. 597.

AN ACT to provide for a change of motive power in the operation of certain railways in and near public parks in the cities of the state of New York.

Accepted by the city.

Became a law April 28, 1898, with the approval of the Governor.

Passed, a majority being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Change of
motive
power
author-
ized.

Section 1. Any railroad company having the right to use any railway now constructed in any public tunnel, road or way depressed below the surface of and wholly within any public park in any city within the state of New York having a population of one million five hundred thousand or upwards, may change the motive power and operate any such railway by cable power, underground current of electricity, compressed air, or any other motive power other than locomotive steam power, that may be consented to by the authorities having control of such park or parks, and by the board of railroad commissioners of the state of New York, and may make changes in the construction of the road or roadbed or other property made necessary by the change of motive power. Such reconstruction shall be at the sole cost and expense of the railroad company making such change, and when completed such improved railway shall be the property of the municipal corporation having control of such public tunnel, road or depressed way.

Improved
railway,
property
of munici-
pal corpo-
ration.

§ 2. This act shall take effect immediately.

Chap. 598.

AN ACT to provide for the payment of expenses to Edward J. H. Tamsen which he incurred in the defense of the prosecution brought against him by indictment, and authorizing the board of estimate and apportionment of The City of New York to audit and allow the amount that may be justly due.

Accepted by the city.

Became a law April 28, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The board of estimate and apportionment of The City of New York is hereby authorized and empowered in its dis-

Audit and
allowance
of claim.

cretion to audit and allow Edward J. H. Tamsen an amount not exceeding six thousand nine hundred and six dollars and sixty cents which said board may find the said Edward J. H. Tamsen incurred for counsel fees, expenses and disbursements on the trial and in the defense of the indictments by the people of the state of New York against himself while sheriff of the city and county of New York and which trial resulted in his favor.

§ 2. The said board of estimate and apportionment shall make ^{Certificate of audit.} and file in the office of the comptroller of said city a certificate showing the amount, if any, so audited and allowed by authority of this act, and the comptroller of the city of New York is hereby authorized to issue and sell revenue bonds of such city for the purpose of providing funds for the payment of such sum so audited ^{Issue and sale of revenue bonds.} and allowed when thereunto directed by the board of estimate and apportionment in said city and the amount of such revenue bonds, with the interest thereon, shall be included in the next ensuing tax levy of said city, and the said comptroller is further authorized and directed to pay over to the said Edward J. H. Tamsen the money so raised for and upon said claim.

§ 3. This act shall take effect immediately.

Chap. 599.

AN ACT to incorporate the Security Assurance Company.

Became a law April 28, 1898, with the approval of the Governor.
Passed, a majority being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. From the time this act shall commence and take ^{Corporators.} effect Thomas E. Murray, T. P. Meehan, E. L. Conant, H. L. Scheuerman, Thomas Kelly and Charles Tracey, and all such persons as shall hereafter become stockholders in the company hereby ^{Corporate name.} incorporated, shall be a body politic and corporate by the name of the Security Assurance Company.

§ 2. In addition to the general powers and privileges of a corporation, as the same are declared in the third title of the eighteenth chapter of the first part of the revised statutes, the corporation hereby created shall have power to guarantee, insure or otherwise secure the payment of principal or interest, or both,

upon entire issues or upon any part thereof of stocks, bonds, mortgages, notes, securities, certificates of all kinds, including receiver's certificates, coupons, or other evidences of indebtedness of individuals, associations of individuals or corporations of all kinds, whether foreign or domestic, for whatever purposes organized, and wherever situated, and of state and foreign government; to guarantee the income from any and all kinds of investments; to take any and all steps or proceedings pertaining to, or for the accomplishing of the reorganization of insolvent or other companies, the purchase and sale of the franchises, properties and privileges of corporations of all kinds, and for whatever purpose organized; to act as the fiscal transfer agent of any state, municipality, body politic or corporation, and in such capacity to receive and distribute money and to transfer, register and countersign certificates of stocks, bonds and other evidences of indebtedness; to act as trustee under any mortgage or bond issued by any municipality, body politic or corporation, and accept and execute any other municipal or corporate trust not inconsistent with the laws of this state; to receive deposits of trust moneys, securities and other personal property from any person or corporation, and to loan money on real or personal security; to be appointed and accept the appointment of executor of and trustee under the last will and testament, or administrator with or without the will annexed of the estate of any deceased person, and to be appointed and to act as the committee of the estates of lunatics, idiots, persons of unsound mind and habitual drunkards. Whenever application shall be made to any court of this state, or to a surrogate of any county of this state for letters testamentary on any last will and testament by the terms of which said company is appointed executor thereof, the said court or surrogate shall grant letters testamentary thereon to said company. Whenever application shall be made to any court of this state or to a surrogate of any county for letters of administration upon the estate of any deceased person, with or without the will annexed, and it shall appear that there are no next of kin of the deceased willing, properly qualified and able to accept such administration, such court or surrogate may, at the request of any party interested in the estate, whether as creditor or beneficiary, grant letters of administration on said estate to said company; to purchase, invest in and sell stocks, bills of exchange, bonds and mortgages, and other securities, and when moneys or securities for moneys so borrowed or received on

deposit, or for investment, the bonds or obligations of the company may be given therefor, but nothing herein contained shall be construed as giving the right to issue bills to circulate as money; to take, accept and execute any and all such trusts and powers of whatever nature or description as may be conferred upon or intrusted or committed to it by any person or persons, or by any body politic, or corporation, or other authority, by grant, assignment, transfer, devise, bequest or otherwise, or which may be intrusted or committed or transferred to it, or vested in it by order of any court of record, or any surrogate, and to receive, take and hold any property or estate, real or personal, which may be the subject of any such trust; to lease, hold, purchase and convey any and all real property necessary in the transaction of its business or which the purposes of the corporation may require, or which it shall acquire in satisfaction or partial satisfaction of debts due the corporation under sales, judgments or mortgages, or in settlement or partial settlement of debts due the corporation by any of its debtors; to accept trusts from and execute trusts for married women in respect to their separate property, and to be their agent in the management of such property, or to transact any business in relation thereto; to act under the order or appointment of any court of record, as guardian, receiver or trustee, of the estate of any minor, the annual income of which shall not be less than one hundred dollars, and as depository of any moneys paid into court, whether for the benefit of any such minor or other person, corporation or party.

§ 3. The capital stock of said corporation shall be five million dollars, divided into fifty thousand shares of one hundred dollars each, and may at any time be increased or diminished by the board of directors, with the consent in writing of stockholders holding a majority of the stock then issued and outstanding. The shares shall be transferred in such manner as shall be prescribed by the by-laws of such corporation. Subscriptions to the capital stock of the corporation except as herein otherwise provided shall be paid at such times and in such installments as the board of directors may, by resolution, require. If default shall be made in the payment of any installment as required by such resolution, the board may declare the stock and all previous payments thereon forfeited for the use of the corporation after the expiration of sixty days from the service upon the defaulting stockholder, personally or by mail, directed to him at his

Capital
stock.

Subscription
to
capital.

post-office address, of a written notice requiring him to make payment within sixty days from the service of the notice at a place specified therein, and stating that in case of a failure to do so, his stock and all previous payments thereon will be forfeited for the use of the corporation.

Directors.

§ 4. The persons named in the first section of this act, together with seven others to be designated by a majority of said persons, shall constitute the first board of directors of said corporation, and shall hold their places as such until the first day of June, eighteen hundred and ninety-eight and annually on said day thereafter, at an hour and place to be designated by the by-laws; and the persons then elected by a majority of the shares voted upon by the stockholders, in person or by proxy, shall constitute the board for the then ensuing year and until others shall be elected in their places. All vacancies which shall be caused in the board of directors, by death, resignation, mental incompetency, removal from the state, or otherwise shall be filled by appointment by a majority of the remaining members for the balance of the term thus vacated. The board of directors shall have power to make all reasonable by-laws and rules for the government of the corporation and its officers and agents. A majority of said board shall constitute a quorum.

Vacancies in board.

By-laws and rules.

Officers of corporation.

§ 5. The officers of the corporation shall consist of a president, vice-president, secretary and treasurer, who, except as hereinbefore provided shall be annually elected by the incoming board of directors; such subordinates may be appointed from time to time, as the board may direct.

Report to banking department.

§ 6. The said corporation shall report semi-annually its condition and operations to the superintendent of the banking department and shall make such report whenever required by him, and the supreme court may, at any time, on application made or otherwise, authorize any person or persons under such directions as the said court may prescribe to examine the books and accounts of the said corporation and inquire into a report of its management and affairs.

Examination of books.

Rights, powers, etc., not to be limited or restricted.

§ 7. The rights, powers and privileges herein granted to said corporation shall not be controlled, limited or restricted by any existing statute or law of this state; but so far as such statute or statutes of law are or might otherwise be inconsistent with the provisions of this act or any of them they are and shall be deemed to be altered and amended so far as they are or might be appli-

cable to said corporation, so as to conform to the provisions of this act which provisions shall be in lieu of all provisions in said statutes relating to the same subject matter. Except as last above provided and except upon subjects or matters relating to which special provision is made in this act, the said corporation shall be subject to and entitled to the benefits of all general laws of this state relating to corporations and applicable to such corporations. The amendment of any such general laws shall not be deemed to be intended to amend any of the express provisions of this act unless such intention is clearly expressed in the act or acts making such amendment of such general laws.

Subject to
general
laws.

§ 8. This act shall take effect immediately.

Chap. 600.

AN ACT to amend the game law.

Became a law April 28, 1898, with the approval of the Governor.

Passed, a majority being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Sections one hundred and forty and one hundred and forty-nine of chapter nine hundred and seventy-four of the laws of eighteen hundred and ninety-five, entitled "An act for the protection, preservation and propagation of birds, fish and wild animals in the state of New York and the different counties thereof," are hereby amended so as to read as follows:

§ 140. **Exceptions as to St. Lawrence and Warren counties.** It shall be lawful to fish at any time for perch, suckers and bullheads, and to spear such fish through the ice in any of the streams, ponds or lakes in Warren county, excepting that in Schroon lake, Long pond or Glen lake and Lake George, the use of spears is forbidden. No fish of any kind, except suckers and billfish or garpikes, shall be caught in Black lake, in Saint Lawrence county, or in waters tributary to said lake, or in the Oswegatchie river, from the boundaries of the city of Ogdensburg to the village of Heuvelton, except from the first day of May to the fifteenth day of November, both inclusive. Nothing herein contained shall be construed as prohibiting the catching of fish by angling at any time, nor the use of tip-ups in fishing through the

ice, in the waters of Black lake, in Saint Lawrence county. No transportation company in Saint Lawrence or Jefferson counties shall transport any fish caught contrary to the provisions of this section, and when fish at any time are offered such company for transportation, they may at their option refuse to accept the same until satisfactory proof is furnished that they were not caught in violation of law. Possession thereof by a common carrier, or by any person in its employ then actually engaged in the business of such common carrier, unaccompanied by the owner, shall constitute a violation of this section by such common carrier. Whoever shall violate or attempt to violate the provisions of this section shall be guilty of a misdemeanor and in addition thereto shall be liable to a penalty of one hundred dollars for each violation thereof.

§ 149. Frost fish and white fish may be taken with nets in certain waters. Frost fish and white fish may be taken from the waters of Otsego lake, in the county of Otsego, from the first day of May to the thirty-first day of August, both inclusive, with seines having meshes not less than one and three-quarters inch bar; provided, however, that such fishing with seines shall only be done in the daytime, between sunrise and sunset, and pickerel may be taken through the ice in said lakes by tip-ups or set lines; and frost fish, white fish or Oswego bass, lake trout, perch, eels and pickerel may be taken from the waters of said lake by rod and reel or by hook and line held in the hand from the first day of January to the thirty-first day of October, both inclusive. Frost fish, white fish, catfish, sunfish, pumpkin seeds, bullheads, perch, suckers and sturgeon may also be taken with nets from inland lakes not inhabited by brook trout during such period, and in such manner and under rules and regulations as the commissioners of fisheries, game and forest may prescribe, which rules and regulations may be amended or abrogated at any time. Such rules may be either general or special, at the option of the commissioners, and may be published in such manner as they may deem proper. Whoever shall violate or attempt to violate such rules and regulations or the provisions of this section shall be deemed guilty of a misdemeanor, and in addition thereto shall be liable to a penalty of one hundred dollars for each violation thereof.

§ 2. This act shall take effect immediately.

Chap. 601.

AN ACT to amend chapter five hundred and fifty-nine of the laws of eighteen hundred and ninety-three, entitled "An act in relation to the militia, constituting chapter seventeen of the general laws," as amended by chapter nine hundred and twenty-four of the laws of eighteen hundred and ninety-five, chapter three hundred and sixty of the laws of eighteen hundred and ninety-six, chapter eight hundred and fifty-three of the laws of eighteen hundred and ninety-six.

Became a law April 28, 1898, with the approval of the Governor.
Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one hundred and seventy-seven of chapter five hundred and fifty-nine, of the laws of eighteen hundred and ninety-three, the title to which was amended by chapter four hundred and fifty-seven of the laws of eighteen hundred and ninety-four to read, "An act in relation to the militia, constituting chapter sixteen of the general laws," as amended by chapter three hundred and sixty of the laws of eighteen hundred and ninety-six, and as amended by chapter eight hundred and fifty-three of the laws of eighteen hundred and ninety-six, by the division of said section into three separate sections, one of which was numbered one hundred and seventy-eight, is hereby amended to read as follows:

§ 178. **Laborers.** To provide for the proper care and cleanliness of armories and arsenals and of the property therein deposited, the commanding officer of a regiment, battalion not part of a regiment, troop, battery, company, signal corps, or brigade, or the ranking commanding officer, where two or more separate batteries or companies are quartered in an armory, may appoint laborers as follows: For armories or arsenals having ten thousand square feet of floor surface, one laborer; where the floor surface exceeds twenty thousand square feet, two laborers; and for each twenty thousand square feet in excess of twenty thousand, an additional laborer; such computation of square feet to include all drill rooms, administration and meeting rooms, drill sheds, hallways, rifle range and lavatories, but excluding such cellar rooms, boiler rooms and store rooms as are not included in the foregoing classification, and excluding armorers and

janitors' quarters. For armories of squadrons, troops, batteries and signal corps, in addition to the above, one laborer to each ten horses therein stabled and used for military purposes by such squadron, troop, battery or signal corps. Before any such appointment is made, the necessity for the employment of such laborer or laborers shall be certified by the commanding officer of the brigade, and such certificate shall be filed in the office of the disbursing officer of the county in which the armory is situated. A certificate of the number of feet of floor surface of each armory in which laborers are appointed shall be made by the engineer of the brigade and approved by the commanding officer of the brigade within whose district such armory is located, and filed in the office of the disbursing officer of the county in which the armory is located.

§ 2. This act shall take effect immediately.

Chap. 602.

AN ACT to amend the Greater New York Charter, relating to the distribution of moneys collected on account of taxation of fire insurance companies in The City of New York.

Accepted by the city.

Became a law April 28, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

First: Section eight hundred and ten of chapter three hundred and seventy-eight of the laws of eighteen hundred and ninety-seven, entitled "An act to unite into one municipality under the corporate name of The City of New York, the various communities lying in and about New York harbor, including the city and county of New York, the city of Brooklyn and the county of Kings, and the county of Richmond and part of the county of Queens, and to provide for the government thereof," is hereby amended to read as follows:

§ 810. There shall be paid to the fire commissioner until the seventeenth day of January in the year nineteen hundred and seventeen a percentage or tax upon the receipts of foreign fire insurance companies doing business in the borough of Richmond; and said commissioner shall cause the money so paid to him to be paid out and disposed of as follows:

Charter amended.

Tax on fire insurance companies in borough of Richmond.

1. To the New York fire department relief fund, forty-five per centum.

2. To the treasurer of the Firemen's Association of the state of New York, who shall pay over the same to the treasurer of the Volunteer Firemen's Home Association at Hudson, New York, ten per centum.

3. To the treasurers of the exempt or veteran volunteer firemen's associations existing in the borough of Richmond at the time this act takes effect, forty-five per centum. Said forty-five per centum shall be apportioned by said fire commissioner among all such associations in proportion to the actual bona fide membership of each such association on the first day of January next preceding the time when such apportionment is made. In determining the membership of such associations only exempt or honorably discharged volunteer firemen shall be considered as members.

The fire commissioner shall quarterly in each year render to each of the foregoing associations a sworn statement in detail of the amounts collected and received by him as aforesaid and from whom and from what source on account of said tax during each quarter.

§ 2. A new section is hereby added to said act to be known as section eight hundred and eleven and to read as follows:

§ 811. There shall be paid to the fire commissioner until the seventeenth day of January, nineteen hundred and seventeen, the percentage or tax upon the receipts of foreign fire insurance companies doing business in the borough of Queens; and said commissioner shall cause the moneys so paid to him to be paid out and disposed of as follows:

Tax on fire insurance companies in borough of Queens.

1. To the New York fire department relief fund, forty-five per centum.

2. To the treasurer of the Firemen's Association of the state of New York, who shall pay over the same to the treasurer of the Volunteer Firemen's Home Association at Hudson, New York, ten per centum.

3. To the treasurers of the exempt or veteran volunteer firemen's associations existing in the borough of Queens at the time this act takes effect, forty-five per centum. Said forty-five per centum shall be apportioned by said fire commissioner among all such associations in proportion to the actual bona fide membership of each such association on the first day of January next pre-

ceding the time when such apportionment is made. In determining the membership of such associations only exempt or honorably discharged volunteer firemen shall be considered as members.

The fire commissioner shall quarterly in each year render to each of the foregoing associations a sworn statement in detail of the amounts collected and received by him as aforesaid and from whom and from what source on account of said tax during each quarter.

§ 3. This act shall take effect immediately.

Chap. 603.

AN ACT to incorporate the Jansen-Kil Electric Power Company, of Hudson, Columbia county, New York.

Became a law April 28, 1898, with the approval of the Governor.
Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Corporators; corporate name and powers. William A. Harder, junior, Philip M. Harder and Charles N. Harder, and all such persons as are or may hereafter be associated with them, are constituted a body corporate and politic by the name and style of the Jansen-Kil Electric Power Company, for the purpose of constructing, maintaining and operating a dam or series of dams or reservoirs on the said Roeliff Jansens-Kil and its tributaries in the counties of Columbia and Dutchess, for the purpose of the development of power and for the purpose of furnishing hydraulic and electrical power for manufacturing and other purposes, and transmitting such power to a distance by electricity or other means to the city of Hudson, New York, and other and intermediate places in said counties of Columbia and Dutchess from the said Roeliff Jansens-Kil as hereinafter specified.

§ 2. Construction of dams, reservoirs, et cetera; acquisition of; erection of buildings; general intent and purposes of section. The corporation herein created shall have power to construct and maintain a series of dams or reservoirs on said Roeliff Jansens-Kil and its tributaries in said counties of Columbia and Dutchess for the purpose of developing the power for all the purposes herein mentioned and also to construct, maintain and operate

upon said creek and along the lines thereof at any and all points all necessary dams, reservoirs, sluices, gates, trunks, canals and all other necessary appliances for the purpose of using the water of said creeks for the development of hydraulic or electrical power. Said corporation shall have the power to construct, maintain and operate said dams and reservoirs on said creeks and over the necessary lands upon acquiring title thereto or the right of way from the owners thereof. Said corporation to have the power to acquire the title of and become the owner of any lands along the line of said Roeliff Jansens-Kil and its tributaries which may become necessary for the purposes herein mentioned. Said corporation shall also have the power to hold, lease, sell and convey lands or other property for the purposes of its business and upon such lands to accumulate and store water from the said Roeliff Jansens-Kil and its tributaries and to sell, lease, furnish and operate the power developed or to be developed from the flow or storage of such water for light, municipal, domestic, manufacturing, agricultural power or other purposes; and also shall have the power by such hydraulic or electrical conductors or other devices as shall be permitted by the authorities of any city, village or town in or through which such conductors or other devices shall be constructed, operated and maintained to conduct, convey, and furnish such power to, through or in any village, town or city in the said counties of Columbia and Dutchess, and to acquire, erect and maintain all such machinery and apparatus as shall be necessary or proper for the utilization of such transmitted power along the lines of transmission for any lawful purpose for which it may be available. Said corporation shall also have the power to erect upon lands owned by it buildings for the purpose of dwellings, manufacturing or business purposes and to sell or lease the same. It being the general intent and purpose of this section to give and to grant unto said corporation the power to maintain, construct and operate said dam or dams, reservoir or reservoirs upon said creeks and to use the water of said creeks for the generation of hydraulic and electrical power, together with the power to construct, maintain and operate machinery, transmission lines and other apparatus for the purpose of generating and transmitting electricity for power or other purpose, and to sell and lease said hydraulic and electrical power so generated.

§ 3. Capital stock; personal liability of stockholders; organization tax. The capital stock of said corporation shall be one hundred thousand dollars, divided into shares of one hundred dollars each, and the said corporation is hereby empowered to increase the said capital stock, from time to time, as the necessities of the corporate business may require, as hereinafter specified, and not to exceed two hundred and fifty thousand dollars. All stock shall be considered personal property and shall be assignable and transferable on the books of the company. Every stockholder of said company shall be personally liable to its creditors in an amount equal to the amount of the stock held by him for all debts and contracts made by the company, until the whole amount of capital stock then issued and outstanding shall have been paid in, and a certificate showing such payment, signed by the president and a majority of the trustees, stating the amount of capital stock fixed and paid in at the date of such certificate, shall have been filed and recorded in the office of the clerk of Columbia and Dutchess counties, and in the office of the secretary of state, which certificate shall be verified by the oath of the president or secretary of said company. No person holding stock in such company as collateral security, or as executor, administrator, guardian or trustee unless he shall have voluntarily invested the trust funds in such stock, shall be personally subject to liability as a stockholder; but the person pledging such stock shall be considered the holder thereof, and shall be liable as a stockholder; and the estate and funds in the hands of such executor, administrator, guardian or trustee, shall be liable in like manner and to the same extent as the testator or intestate or the ward or person interested in such trust fund would have been if he had been living and competent to act and hold the same stock in his own name, unless it appears that such executor, administrator, guardian or trustee voluntarily invested the trust funds in such stock, in which case he shall be personally liable as a stockholder. But such company shall not commence business until it shall have paid to the state treasurer the organization tax provided by chapter one hundred and forty-three of the laws of eighteen hundred and eighty-six. Such company shall also upon increasing its capital stock pay to the state treasurer a like tax upon the amount of such increase.

§ 4. Actions against stockholders. No action shall be brought against any stockholder for any debt of the company until judg-

ment therefor shall have been recovered against the company, and an execution thereon shall have been returned unsatisfied in whole or in part. No stockholder shall be personally liable for any debt of the company not payable within two years from the time it is contracted nor unless an action for its collection shall have been brought against the company within two years after the debt shall have become due, and no action shall be brought against a stockholder after he shall have ceased to be a stockholder, for any debt of the company unless brought within two years from the time he shall have ceased to be a stockholder.

§ 5. Increased capital. The capital stock may be increased by a vote of the majority of the stockholders representing a majority of the stock of the corporation, at a meeting thereof, convened for that purpose. Notice of such meeting shall be given to every stockholder by depositing in the post-office, properly addressed to his last known place of residence, postage prepaid, at least five days before the time fixed, a written or printed notice stating the time and place and object of such meeting.

§ 6. Trustees; annual election of trustees; vacancies in office; first election of trustees; increase of trustees. The concerns of said corporation shall be managed by three trustees, who shall be stockholders, a majority of whom shall be residents of the state of New York, and who shall hold their office for one year or until others are chosen in their places. Said trustees shall be, after the first year, annually elected by the stockholders at such time and place as shall be directed by the by-laws of said corporation, and a public notice of the time and place of holding such election shall be published not less than ten days previous thereto, in a newspaper published nearest to the place where the operations of said company shall be carried on, and an election shall be made by such of the stockholders as shall attend for that purpose either in person or by proxy. All elections shall be by ballot, and each stockholder shall be entitled to as many votes as he may own shares of stock in said company, and the person receiving the largest number of votes shall be trustee. Vacancies may be filled in such manner as may be provided by the by-laws of said company. The trustees for the first year shall be William A. Harder, junior, Philip M. Harder and Charles N. Harder. The first election of trustees of said company shall be held on the second Tuesday of January, eighteen.

hundred and ninety-nine. But vacancies occurring in the board prior to the first election may be filled by appointment by the remaining members of the board at any time. The number of trustees may be increased, but not above the maximum number prescribed by law.

§ 7. **Officers of company.** There shall be a president of said company, who shall be designated from the number of the trustees, and also such other officers as the company by its by-laws shall designate, who may be elected or appointed, and required to give security for the faithful performance of the duties thereof, as the company by its by-laws may require.

§ 8. **By-laws.** The trustees of said company shall have power to make such prudential by-laws as they may deem proper for the management and disposition of the stock and business affairs of said company, not inconsistent with the laws of this state, and prescribing the duties of officers and servants that may be employed, for the appointment and election of all officers, except trustees, and for carrying on operations within the objects and purposes of said company; and also, providing for the manner of amendment of such by-laws.

§ 9. **Issue of stock for purchase of lands, et cetera.** The trustees of such company may contract for and may purchase lands, interests in lands, and other property including any work of construction necessary for their business and issue shares of the capital stock of such company in payment therefor, and the stock so issued shall be declared and taken to be full paid stock and not liable to any further call, and the holders thereof shall only be subject to the same liabilities and have the same rights as other holders of full paid stock in said company; but in all statements and reports of the company to be published this stock shall not be stated or reported as being issued for cash paid into the company.

§ 10. **Power to borrow money and mortgage property.** Said company shall have power by the vote of its trustees to secure the payment of any part of the price of any property purchased by mortgage or mortgages thereon, or upon any other property owned by said corporation, or upon both, to borrow money and issue bonds for its corporate purposes to such amount as may from time to time be authorized and approved by the trustees, and with the consent of the stockholders holding a majority of

the stock of said company, at a meeting called for that purpose, may secure the payment of any such bonds issued or proposed to be issued by a mortgage or mortgages upon its property, rights, privileges and franchises or any part thereof.

• § 11. **May hold stock in other corporations; may appoint president ex officio stockholder.** Said company may hold in any corporation created for or engaged in the business of using or supplying water from the Roeliff Jansens-Kil and its tributaries in the counties of Columbia and Dutchess or of any corporation created for or engaged in the use of power for light derived from such water or manufacturing by means of the power derived therefrom, and may hold stock in any corporation which shall contract to purchase, lease or use any power or property of the Jansens Kil Electric Power Company and the trustees of the said Jansens Kil Electric Power Company shall have the power to contract for and purchase or receive such stock of such other corporation upon such terms as they may agree upon and in payment thereof to issue the stock of their company, but not to increase its capital stock except in the manner prescribed in this act. When said company shall become a stockholder in any other company as herein provided the board of trustees may appoint its president or any other officer to be ex officio the stockholder of record of such stock and to vote the same for such company in the corporation in which such stock is taken.

§ 12. **Acquisition of lands, waters, etc.; survey and map of lands.** Said company may acquire title to lands for the purposes herein specified in the manner specified by the condemnation laws of this state, and may by any of its officers, agents or servants, for the purposes aforesaid, enter upon and survey any lands. Before beginning condemnation proceedings to acquire lands, waters, easements of rights therein, or entering upon or using any thereof, except to survey the same and except such as shall have been acquired by gift, devise or purchase, said company shall cause a survey and map to be made of the lands, waters, easements and rights therein intended to be taken and acquired by the condemnation proceedings by or on which the land, water, easement or right therein of each owner or occupant so intended to be taken, shall be designated, which map shall be signed by the president and secretary of said company and be filed in the office of the clerk of the county where such lands are situated.

Said map may be amended by said company as to any parcel or parcels of land, description of water rights and easements, at any time before the appointment of commissioners of appraisal in condemnation proceedings to acquire said parcel or parcels, rights or easements therein by filing in said county clerk's office a new or further map signed as aforesaid, together with a notice stating in substance that the map then on file has been amended, as shown by said new map, and thereupon the said new map shall have the force and effect of the map so amended, and the map so first filed shall be deemed superseded as to the lands, waters and easements described or affected by said amendment, except so far as it relates to the proceedings then had and done.

§ 13. Use and occupation of streets and highways; placing of posts, wires, et cetera. Said company, with the permission of the local authorities, and upon such terms as they may prescribe, may enter upon and use the ground or soil under any street, highway road, railroad land or public ground within said counties of Columbia and Dutchess for the purpose aforesaid and may, when necessary, change the location or surface grade of any street, highway or road, and such right shall be continuous for such purpose, including the relaying, repairing, altering or extending its works; provided, however, that in case where an open canal or other open work of said company shall cross any street, highway, road or public ground, or railroad land, said company shall construct, and at all times thereafter maintain suitable and proper bridges over the said road, where such bridges are rendered necessary by the construction of its said work; and in case where pipes or other covered works shall be laid under the surface of any road, street, highway, public ground or railroad land, the surface thereof shall be made and kept suitable for public travel, and as nearly as may be as it was before said work was done; and in case of posts, elevated conductors, cables or wires upon and over such road, street, highway, public ground or railroad land, the same shall be so placed and elevated as not to interfere with the ordinary use thereof by the public or railroad company for highway or railroad purposes.

§ 14. Operation and maintenance of tunnels, canals, et cetera. Said company may conduct, operate and maintain its tunnels, conduits, canals and its hydraulic, pneumatic or electrical conduc-

tors under, through or over all the property so owned by this company, or over, under or through other lands and territories in accordance with the consent given by the owners thereof and the local authorities of the cities, towns or villages in the county over, through or under which such conductors may pass.

§ 15. The said company shall have the power to build, erect, construct, dig and lay canals, raceways, ditches, locks, piers, inlet piers, cribs, bulkheads, dams, gates, sluices, reservoirs, aqueducts, conduits, pipes, culverts, posts, abutments, conductors, cables, wires, insulators, or other works, machinery, fixtures or buildings, of every kind and description whatsoever that may be necessary, proper and convenient for its said purposes, or any thereof, upon any lands in which it may acquire a right so to do, or in said Roeliff Jansens-Kil and its tributaries.

§ 16. Public use. The corporation created by this act shall at all times on reasonable demand furnish and supply to the city of Hudson, and to any individual or corporation residing or doing business in said city or in any place outside of said city within two miles of the main line of transmission of said corporation from said Roeliff Jansens-Kil to the extent of the capacity developed, electric power, light and heat or either at a rate to be agreed upon but in no case to exceed ten cents per Kilowatt-hour for power and heat and forty cents per thousand watt-hour for light together with the necessary expenses of conducting such power from the main line of said corporation to the place or places required.

§ 17. Powers granted subject to general laws. The power granted by this act to transmit and use electricity shall be subject to the general laws of the state and municipal ordinances of the several cities, villages and towns within which it shall be transmitted or used.

§ 18 Payment of subscriptions to stock. It shall be lawful for the trustees to call in and demand from the stockholders, respectively, all such sums of money by them subscribed, at such times and in such payments or instalments as the trustees shall deem proper, under the penalty of forfeiting the shares of stock subscribed for, and all previous payments made thereon, if payment shall not be made by the stockholders within sixty days after a personal demand or notice requiring such payment shall have been published for six successive weeks in a newspaper nearest

to the place where the business of the company shall be carried on as aforesaid.

§ 19. Annual report. Said company shall annually, during the months of January, February or March, make a report as of the first of January, which shall state the amount of its capital stock, and the proportion actually paid in, the amount of its existing debts, and the dividends, if any, declared since its last annual report. Such report shall be signed by the president or vice-president and a majority of the trustees, and shall be verified by the oath of the president or vice-president and the treasurer or secretary, and shall be filed in the office of the secretary of the state and in the office of the clerk of Columbia county. If such report is not so made and filed all the trustees of the company shall jointly and severally be personally liable for all debts of the corporation then existing, and for all contracted before such report shall have been made. No trustee shall be liable because of any failure to make and file such report, if he shall file in the office of the secretary of state within thirty days after the thirty-first day of March a verified certificate stating that he has endeavored to have such report made and filed, but that the officer, or a majority of the trustees, have neglected to make and file the same, and shall append to such certificate a report containing the items required to be stated in such annual report, as far as they are within his knowledge, or obtainable from sources of information open to him, verified by him to be true to the best of his knowledge, information and belief.

§ 20. Corporate existence. The corporate existence of this company shall be fifty years.

§ 21. This act shall take effect immediately.

Chap. 604.

AN ACT to annul and dissolve the corporation known as "The Inebriates' Home for Kings County."

Became a law April 28, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Dissolution
of corpora-
tion.

Section 1. The corporation known as "The Inebriates' Home for Kings County," created by virtue of chapter eight hundred

and forty-three of the laws of eighteen hundred and sixty-seven, and the acts amendatory thereof, shall be and the same is hereby annulled and dissolved, charter granted under chapter eight hundred and forty-three of the laws of eighteen hundred and sixty-seven, and the acts amendatory thereof, is hereby repealed.

§ 2. Immediately after the passage of this act, the trustees of said Inebriates' Home, now in office, shall proceed forthwith to sell and dispose of the real and personal property belonging to such corporation. They shall sell and dispose of the same in such manner as in their judgment shall procure the highest amount for such property. They shall pay the proceeds realized from the sale of such property and also the cash on hand, if any, belonging at the date of the passage of this act, to such institution, to the county treasurer of the county of Kings, for the purpose of repaying so far as the same may be sufficient, the money expended by such institution under chapter four hundred and eighty-three of the laws of eighteen hundred and sixty-eight, as amended by chapter five hundred and fourteen of the laws of eighteen hundred and seventy-one for the erection and furnishing of buildings for said corporation and improving the grounds belonging thereto.

Sale of property.

Application of proceeds.

§ 3. If, after the repayment of the said moneys, to the county treasurer, and the payment of all just debts of said institution, there shall be any moneys remaining, the same shall be retained by the trustees for their services in connection with said corporation.

Balance to be retained by trustees.

§ 4. This act shall take effect immediately.

Chap. 605.

AN ACT to incorporate The Genesee River Company, and to authorize the said company to construct and use a dam or reservoir near Portageville for improving and preserving the public health, checking floods, furnishing water for the enlarged Erie canal and for municipal purposes, and developing, utilizing and disposing of the waters and water power of said river and its tributaries above and below said dam or reservoir.

Became a law April 29, 1898, with the approval of the Governor.
Passed, three-fifths being present.

Whereas, It is necessary for the improvement and preservation of the public health, for the checking of floods, for the furnishing

Preamble.

of water for the enlarged Erie canal, and for the supplying of pure and wholesome water for municipal purposes, that the land and real property comprised within the flowage limits hereinafter described of the main dam or reservoir to be erected on the Genesee river near the village of Portageville, as hereinafter in this act set forth and provided for, should be taken for the public uses aforesaid, just compensation being ascertained and made for all private and public property so taken as hereinafter authorized; and

Whereas, In the judgment of this legislature such compensation should not be made by the state, but should be paid and the said objects should be attained as hereinafter provided, by and through the corporation created by this act; therefore

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Corpora-
tors.

Section 1. William A. Boland, Casius M. Wicker, Theodore W. Myers, George W. Rafter and George F. Keller, and all such persons as are or may hereafter be associated with them under the provisions of this act, shall be and hereby are constituted a corporation by the name of The Genesee River Company. The principal office of said corporation shall be in the city of Rochester.

Name and
principal
office.

Capital
stock.

§ 2. The capital stock of said corporation shall be three million dollars, divided into shares of one hundred dollars each, and said corporation is hereby empowered to increase said capital stock from time to time to not exceeding a final total of twelve million dollars, and such increase shall be made in the manner hereinafter provided. Said shares shall be deemed personal estate and shall be assignable and transferable on the books of the corporation under such regulations as the board of directors shall from time to time provide. Said corporation shall not commence business until it shall have paid to the state treasurer the organization tax provided by the tax law, chapter nine hundred and eight of the laws of eighteen hundred and ninety-six, upon the said original capital of three million dollars. Said corporation shall also upon each increase of its capital stock pay to the state treasurer the tax upon the amount of each such increase. The stockholders of said corporation shall be personally individually liable in the cases and otherwise, as provided in sections fifty-four and fifty-five of the stock corporation law.

Organiza-
tion tax.

Liability
of stock-
holders.

Directors.

§ 3. The corporate powers of said corporation shall be exercised and its stock, business and affairs shall be managed and con-

ducted by a board of directors of five persons, except as provided in this act. The persons named in the first section of this act shall have the management of the stock, business and affairs of the corporation, with power to fill vacancies in their own number, until directors shall be chosen by the stockholders and shall enter upon the duties of their office as hereinafter provided, and a majority of the said incorporators shall be a quorum for any business and a majority of them present at any meeting thereof shall control.

Business
quorum.

§ 4. The first election of directors by the stockholders of the said corporation shall take place at a stockholders' meeting to be called by the said incorporators at the office of the corporation in the city of Rochester, at such time during the year eighteen hundred and ninety-eight as the incorporators shall for that purpose appoint, upon notice published in at least one daily newspaper in the city of Rochester, for two successive weeks next preceding such election, and a copy of such notice shall be mailed by registered letter to each stockholder of record of the corporation at least two weeks previous to the date of such meeting, addressed to him at his last known place of residence and with the postage thereon and registry fee prepaid. At such election each stockholder, personally or by proxy, shall be entitled to cast one vote for each share of stock held by him thirty days previous to such election. A plurality vote of all the ballots actually cast shall be necessary and sufficient for the election of each director. The incorporators shall designate inspectors of such election. A meeting of the stockholders shall be held in each year subsequent to the year eighteen hundred and ninety-eight, for the election of directors upon like notice on such day as shall be fixed by the by-laws. If at any time an election of the directors shall not take place on the day appointed by this section, or by the by-laws, the corporation shall not, for that cause, be dissolved, but the election may be held on any other day, due notice thereof being given in the manner hereinabove provided. The board of directors shall elect a president from their number and a vice-president, chief engineer, secretary and treasurer, and such other officers of the corporation, and appoint such agents as they may deem necessary. Each director shall be a stockholder in the corporation and shall hold office until his successor is chosen. In case a vacancy in the office of director, by death, resignation

First elec-
tion of
directors.

Stock-
holders'
meeting.

Officers.

Vacancies
in office.

Removals
for cause.

or ceasing to be a stockholder, such vacancy may be filled until the next annual meeting by the board of directors. The board of directors may, for sufficient cause, remove all officers by it appointed, and appoint others in their respective places, and may fill all vacancies in office from whatever cause occurring for the **unexpired** portion of the term.

By-laws
and rules.

§ 5. The board of directors shall have power to make by-laws and rules for the government of said corporation, its officers and agents and the control and management of its affairs, business and property and the transfer of its stock, and from time to time change the same; and may require from the stockholders payment of all sums of money by them subscribed, at such times and in such proportions as may be deemed proper, under penalty of a forfeiture of their respective shares and all payments thereon, first giving notice of each call therefor by publication of a notice thereof in at least one daily newspaper printed in the city of Rochester, for not less than thirty successive business days next preceding the day for which such call is made, and a copy of such notice shall be mailed by registered mail to each stockholder to be affected by said call at least thirty days before the date on which the same is made payable, addressed to him at his last known place of residence, with the postage thereon and registry fee prepaid. The capital stock of said corporation may be increased by vote of the stockholders representing a majority of the stock outstanding of the corporation at an annual meeting thereof, or at any special meeting of the stockholders convened for that purpose. Notice of every such meeting shall be given to every stockholder by registered letter in the manner herein provided for annual meetings, the notice to each stockholder stating the time, place and object of such meeting.

Payment of
subscriptions
to
capital.

Increase
of capital.

Construc-
tion of
main dam
or reser-
voir.

§ 6. Said corporation is hereby authorized to construct a main dam or reservoir on the Genesee river for the purpose of improving the sanitary condition of the Genesee valley, of checking floods in the Genesee river by producing as far as practicable an equable flow therein, of supplying necessary water to the enlarged Erie canal, and of furnishing pure and wholesome water for municipal purposes. The said corporation shall construct and maintain said main reservoir or dam on the Genesee river at the site thereof near the village of Portageville, which is described in appendix seven to the annual report of the state

engineer and surveyor for the fiscal year ending September thirtieth, eighteen hundred and ninety-six; and the said main dam or reservoir shall be constructed of masonry with the crest of its spillway at an elevation of one hundred and eighteen feet above the present ordinary water surface of the Genesee river at the site aforesaid. Said corporation shall have the right to utilize all the water power incidentally created by the construction of said main dam or reservoir, and for the purpose of such utilization said corporation may construct, maintain and operate in and upon the Genesee river and its tributaries within one mile of the mouth of each of such tributaries and along the line thereof, at any and all points below the location of the aforesaid main dam or reservoir, all necessary power dams, subsidiary reservoirs, sluices, gates, trunks, irrigation canals and distributaries, hydraulic power, raceways and all other necessary appliances for the purpose of utilizing the water and water power of the said river for the development of hydraulic and electrical power and for the purpose of making and transmitting compressed air and for other purposes. Said corporation shall have the right to construct, maintain and operate said power dams and subsidiary reservoirs and appliances upon the necessary lands upon acquiring by purchase title thereto or the right of way or other easements or interests in the same from the owners thereof, and the said corporation may acquire by purchase the title to or other interest in and become the owner of any and all lands along the line of the said Genesee river or its tributaries within one mile of the mouth of each of such tributaries below the said main dam or reservoir which may become necessary or which shall be deemed advantageous or proper to said corporation for the purposes in this act mentioned. It shall also have the right to purchase, hold, lease, sell and convey lands, water rights or other property for the purposes of its business, and upon said lands to accumulate, store and conduct water from the said Genesee river and its tributaries within one mile of the mouth of each of such tributaries and to sell, lease, furnish, operate and supply the said water by conducting the same in such manner as may be most convenient, feasible or economical, and to sell, lease, furnish and dispose of the power developed or to be developed from the flow or storage of the said water for fire, light, sanitary, municipal, manufacturing, agricultural, power or other purposes, and shall also have the right, by such hydraulic, electri-

Right to
utilize
water
power.

Power
dams and
subsidiary
reservoirs,
etc.

Acquisi-
tion of
property,
etc.

Sale, lease,
etc., of
power.

cal, compressed air conductors or other devices as shall be permitted by the local authorities of any city, village or town of the state in or through which such conductors or other devices shall be constructed, operated and maintained, to conduct, convey and furnish such power to, through or in any village, town or city within the counties of Monroe, Orleans, Genesee, Wayne, Ontario, Livingston, Wyoming and Allegany, or any of them, and to acquire, operate and maintain all such machinery and other apparatus as shall be necessary or proper for the transmission of such power to or within the said counties or any of them. The said corporation shall also have the right, upon obtaining the consent therefor of the local authorities, to furnish pure and wholesome water to any village, city or town in any of said counties of Livingston, Wyoming and Monroe, upon such terms as may be agreed upon between the local authorities of such village, city or town and the board of directors. Said corporation shall also have power to erect upon lands owned by it, buildings for the purpose of dwellings, manufacturing or business purposes, and to sell or to lease the same. It is the general intent and purpose of this section to grant unto said corporation power to maintain, construct and operate said main dam or reservoir upon the Genesee river near Portageville with said subsidiary reservoirs and power dams upon the Genesee river and any of its tributaries within one mile of the mouth of each of such tributaries below the site of the said main dam or reservoir, and to use the water of the said Genesee river and its tributaries for the generation of hydraulic and electrical power and for compressed air, together with the right to construct, maintain and operate machinery, transmission lines and other apparatus for the purpose of generating and transmitting power by water, electricity or compressed air for power or other purposes, and to sell, lease and dispose of the said hydraulic and electrical power and compressed air so generated. But nothing contained in this act shall be construed as affecting or authorizing the taking or impairing of any private or municipal right in the natural flow of the Genesee river at any point below the said main dam or reservoir, or on any tributary below said main dam or reservoir, or any real or other property or interest therein below said main dam or reservoir, except by agreement with or by consent of the owners of such rights, property or interests so affected, taken or impaired respectively.

Furnishing
of water.

Erection of
buildings
and works.

General
intent, etc.,
of section.

Proviso.

§ 7. The board of directors of said corporation may contract for and purchase lands, interests in lands and other property, including any work of construction necessary for its business, and pay for the same in cash or issue shares of the capital stock of such corporation in payment therefor, upon such terms as may be agreed upon, and any stock so issued shall be declared and taken to be full paid up stock and not liable to any further call, and the holders thereof shall only be subject to the same liabilities and have the same rights as other holders of the full paid stock in said corporation; but in all statements and reports of the corporation to be published, this stock shall not be stated or reported as being issued for cash paid in to the corporation.

Contracts
for and
purchase
of lands.

§ 8. Said corporation shall have power, by vote of its board of directors, to borrow money and contract debts for its corporate purposes to such an amount as may from time to time be authorized by the board of directors, and to issue and dispose of its bonds or other obligations for any amount so borrowed or contracted, and to mortgage its corporate property and franchises to secure the payment of such obligations or of any debt so contracted. No such mortgages, except purchase money mortgages, shall be issued without the consent of the stockholders owning at least a majority of the stock of the corporation issued at the time of giving such consent, which consent shall be in writing and shall be filed and recorded in the office of the clerk or register of the county where it has its principal place of business, or shall be given by vote at a special meeting of the stockholders called for that purpose in the manner in this act provided for annual meetings, and a certificate of the vote at such meeting, signed and sworn to by the chairman and secretary of such meeting, shall be filed and recorded as aforesaid.

May bor-
row money,
issue
bonds, etc.

Mortgag-
ing of
property.

§ 9. Said corporation may purchase, acquire, hold and dispose of the stock, bonds and evidences of indebtedness of any corporation, domestic or foreign, or of any corporation created for or engaged in the business of using water or developing water power from the Genesee river, or its tributaries, within one mile of the mouth of each of such tributaries below the site of the main dam or reservoir, as aforesaid, or of any corporation created for or engaged in the use of electrical power for light derived from such power on the Genesee river, or for or in manufacturing by means of hydraulic power derived therefrom,

May
acquire
stocks, etc.,
in other
corporations.

Right to
contract
for and
purchase
stock, etc.

Stock-
holders of
record.

Acquisi-
tion of
lands, etc.

Right of
condemna-
tion.

Survey
and map
of lands,
etc.

and may hold stock in any corporation whatever which may contract to purchase, lease or use any power or property of the said The Genesee River Company, and the board of directors of the said corporation shall have the right to contract for and purchase or receive such stock, bonds and evidences of indebtedness of such other corporations, whether it be any electric lighting, manufacturing, or electric railway company, and upon such terms as they may agree upon, and in payment therefor, to issue the stock or bonds of both of the said The Genesee River Company, but not to increase its capital stock except in the manner prescribed in this act. When the said The Genesee River Company shall become a stockholder in any other company or corporation, as herein provided, the board of directors may appoint its president or any other officer or officers to be ex-officio the stockholder or stockholders of record of such stock and to vote the same for the said The Genesee River Company in the company or corporation in which such stock is taken, and the persons so designated shall be eligible to the office of director in such company or corporation the same as if they were individually stockholders therein, and the said The Genesee River Company shall possess and exercise in respect of such stock, all the rights, powers and privileges of the individual owners or holders of such stock.

§ 10. For the purposes specified in the preamble of this act, the said The Genesee River Company, may from time to time, acquire title to any and all lands, water, water rights, easements and rights or interests therein included within the site of the said main dam or reservoir on the Genesee river, and included in the said flowage grounds of said main dam or reservoir up to and including a vertical height of ten feet above the crest of the spillway of said dam, as hereinbefore specified in section six of this act, in the manner and upon the terms provided by the condemnation law of this state, chapter ninety-five of the laws of eighteen hundred and ninety, as amended, and upon making just compensation for the real property so taken, as provided in said condemnation law. The said right of condemnation shall include all cemeteries within the limits of the flowage grounds aforesaid; and the said corporation by any of its officers, agents or servants for the purposes aforesaid may enter upon and survey any land subject to liability to the owner for all damages done. Before beginning each respective condemnation proceeding to acquire any part or parcel of the said site or flowage grounds or any waters, water rights or ease-

ments or real property included therein, said corporation shall cause a survey or map to be made of the particular lands, waters, water rights, easements and rights therein and real property intended to be taken and acquired by such respective condemnation proceedings, on which the lands, waters, water rights, easements or rights therein, of each respective owner or occupant intended to be taken by and under such respective condemnation proceedings shall be designated, which map shall be signed by the president and chief engineer of the said corporation and be filed in the office of the clerk of the county wherein such real property is situated. Such map may be amended by said corporation as to any parcel or parcels of land, descriptions of water, water rights or easements or real property at any time before the appointment of the commissioners of appraisal in the condemnation proceedings to acquire said parcel or parcels of land, waters, water rights, or easements therein or real property, by filing in said county clerk's office a new or amended map signed as aforesaid, together with a notice stating in substance that the map then on file has been amended as shown by said map, and thereupon the said new map shall have the force and effect of the map so amended, and the map first filed shall be deemed superseded as to the lands, waters, water rights or easements therein or real property described or affected by such amendment, except so far as relates to the proceedings then had and done. The said corporation shall, before or within six months after the completion of the construction of the said main dam or reservoir at Portageville, file in the office of the county clerk of each of the counties of Livingston, Wyoming and Allegany, a map of all the lands and real estate comprised within the flowage limits aforesaid. The right of condemnation herein granted to the said corporation shall be taken as also extending and applying to the portion of the present line of the Western New York and Pennsylvania Railway within the said flowage grounds and within the said site of the said proposed main dam or reservoir.

Filing of
maps.

§ 11. Orders under which any lands, waters, water rights, easements or other rights or real property shall be acquired in condemnation proceedings under the provisions of this act may be recorded in the books wherein deeds are recorded in the office of the county clerks of the several counties in which such lands, waters, water rights, easements or right shall be taken; all such orders shall be indexed under the name of said The Genesee River Company as

Record of
orders in
condemnation
proceedings.

grantee and under the name of the person or persons from whom acquired as grantors, and such record shall have the same force and effect as records of conveyance under the laws of this state.

Agreement
with
owners,
state, and
other au-
thorities.

§ 12. The said corporation may agree with the owners and persons interested in any real estate or interest therein comprised within the said flowage limits or site as to the amount of compensation to be paid to such owners or persons interested for the taking or using and occupying such real estate or interest therein. In case any such real estate shall be owned, occupied or enjoyed by the people of this state, or any county, town, incorporated village or school district within this state, such real estate, rights, titles, interests or properties may be taken by the said corporation for the uses and purposes aforesaid upon an agreement respectively with the commissioners of the land office, who shall act for the people of the state, with the chairman and a majority in numbers of the board of supervisors of any county, who shall act for such county, with the board of trustees of any incorporated village, who shall act for such village, and with the supervisors and commissioners of highways of any town, who shall act for such town, and with the trustees of any school district, who shall act for such district. The commissioners of the land office shall have power to grant to the said corporation any real estate within the said flowage grounds belonging to the people of this state which may be required for the purposes indicated in this act on such terms as may be agreed on between them and the said corporation, and if any real estate of any county, town, incorporated village or school district is required by the said corporation within the flowage limits or site aforesaid, for the purposes of this act, a majority of the board of supervisors acting for such county, or the supervisor of any such town with the commissioners of highways therein acting for such town, or the trustees of any school district acting for such district, or the board of trustees of any incorporated village acting for such incorporated village, may grant or surrender such real estate or interest therein for such compensation as may be agreed upon between such officers respectively and the said corporation. The term real estate, as used in this section, shall be construed to comprise and embrace all uplands, lands under water and waters of any river, stream, lake or pond, all water right and privileges and any and all easements and hereditaments of every kind, and any estate or right, legal or equit-

Power of
commis-
sioners of
land office
and au-
thorities to
grant
lands.

Term real
estate de-
fined.

able, in land or water within the said flowage limits, or site including terms for years and liens thereon by way of judgment, mortgage or otherwise, and also all claims for damages to such real estate.

§ 13. Said corporation, with the permission of the local authorities, and upon such terms as they may prescribe, is hereby authorized to enter upon and use the ground or soil under any street, highway, road or public ground within the counties heretofore enumerated, for the purposes aforesaid, and, when necessary, to change the location or surface grade of any street, highway or road, and such right shall be continuous for such purpose, including the relaying, repairing, altering or extending its works; provided, however, that in case where any open ditch, irrigating canal, hydraulic power or raceway, or other open work of said corporation shall cross any street, railway, road, public ground or railroad land, said corporation shall construct and at all times thereafter maintain suitable and proper bridges over the said street, highway, road, public ground or railroad land, where such bridges are rendered necessary by the construction of its said works; and in case where the pipes, conduits or conductors or other covered works shall be laid under the surface of any road, street, highway, public ground or railroad, the surface thereof shall be made and kept suitable for public travel as nearly as may be as it was before said work was done. The said corporation shall also have the right to erect posts, elevator conductors, cables, transmission lines or wires upon or over such road, street, highway or public ground or railroad, the same to be so placed and elevated as not to interfere with the ordinary use thereof by the public or railroad company for highway or railroad purposes and with the consent of the abutting owners, local authorities or railroad company respectively.

Use of
highways,
streets, etc.

Bridges
over
streets, etc.

Restora-
tion of sur-
face of
ground.

Erection of
posts, con-
ductors,
etc.

§ 14. The said corporation shall, at its own expense, construct and maintain highways and highway bridges over the flowage grounds of the said main reservoir so far as the same may be necessary to accommodate the common roads now in existence therein.

Highways
and
bridges.

§ 15. Said corporation may conduct, operate and maintain its conduits, canals, hydraulic power raceways, and hydraulic, pneumatic or electrical or other conductors under, through or over any or all of the property owned by the corporation, and may also

Conduits,
canals,
raceways,
etc.

construct and operate the same over, under or through other lands, including streets and highways, in accordance with the consent given by the owners and the local authorities of the cities, towns or villages through or under which such conductors may pass; but nothing in this section or elsewhere in this act shall grant any exclusive privileges, immunity or franchise or the right to lay down or shall authorize the laying down of railroad tracks or the construction or operation of any railroad.

Prevention
of flow of
impure
water into
works.

§ 16. The said corporation shall have the power to and may prevent the flow or drainage of noxious or impure waters or matters from the lands of others into any ditch, canal, raceway, reservoir or other hydraulic work of the said corporation, and may build, erect, construct, dig and lay all irrigation canals, distributing ditches, hydraulic raceways, locks, piers, inlet piers, cribs, conduits, under ground and over ground electrical conductors, pipes, culverts, posts, abutments, cables, wires, insulators, electrical compressed air and hydraulic power stations or other works, machinery, fixtures or buildings of every kind and description whatever that may be proper, necessary or convenient for its said purposes, or any thereof, upon any lands, in, over or under which it may acquire the right so to do in the counties or any of them hereinabove enumerated.

Erection of
works
necessary
for pur-
pose.

Rates and
contracts
for
hydraulic
power.

§ 17. The said corporation may by its board of directors from time to time fix the rates at which it will supply hydraulic power, compressed air or electricity for light, heat or power to other corporations or to public or private persons, and may enter into contracts with the same for the furnishing thereof.

Right to
transmit
electricity,
etc., sub-
ject to
general
laws.

§ 18. The right granted by this act to transmit electricity and compressed air and to use the same and to construct hydraulic raceways and canals shall be subject to the general laws of the state and the municipal ordinances of the several cities, villages and towns within which electricity and compressed air shall be transmitted or used and within or through which said hydraulic raceway may be situated or pass.

Furnishing
of water
for canal.

§ 19. After the completion of the said main dam or reservoir, the said corporation shall during each canal navigation season in each year thereafter hold, subject to the requisition of the superintendent of public works, for the use of the enlarged Erie canal, two thousand five hundred million cubic feet of water, and said corporation shall, without expense to the state, at the opening

of each canal season, furnish water needed to fill the Erie canal for navigation purposes, and also during the same canal season further needed water for the canal, not exceeding one thousand five hundred million cubic feet. Said corporation shall be entitled to receive from the state for any additional water, compensation to be agreed upon between such corporation and the state superintendent of public works. If after filling the canal in the spring the corporation does not furnish for the canal one thousand five hundred million cubic feet of water during the same canal season the portion thereof not so used shall be credited to the canal as against said corporation and set off against any excess of one thousand five hundred million cubic feet used in any succeeding year; but the total amount which may be used by the state without compensation in any one year after filling the canal at the opening of the season, including such credit, shall not exceed two thousand five hundred million cubic feet.

§ 20. In case the work of constructing the said main dam and reservoir on the Genesee river near the village of Portageville be not actually and in good faith commenced within five years from and after the date of the passage of this act, and at least ten per centum of the said minimum amount of three million dollars of capital stock expended on said work of construction, the said corporation shall be dissolved. The said corporation shall have five years after actually and in good faith beginning the work of said construction in which to fully complete said main dam and reservoir and to begin the supply of necessary water for the enlarged Erie canal, except that if at any time after five years from the passage of this act the state superintendent of public works shall certify to the company in writing that water is necessary from said main dam and reservoir for the said supply of the enlarged Erie canal, then said corporation shall begin within three years from the receipt of such notification to furnish water for the enlarged Erie canal as aforesaid.

When corporation may be dissolved.

Time for completion of work.

§ 21. Any person who shall wilfully or maliciously destroy, injure or interfere with any dam, irrigation canal, distributing ditch, hydraulic raceway, lock, pier, inlet pier, crib, bulkhead, dam, gate, sluice, electrical conductor, conduit, transmission line, or compressed air transmission pipe or any other work, building, machinery or property of said company, or who shall wilfully or maliciously do any act which shall injuriously affect or tend to

Penalty for injury, etc., to works.

injuriously affect water of said company or the supply or quantity or quality or regulation thereof, shall be guilty of a misdemeanor and may be punished by fine or imprisonment, or both fine and imprisonment in the discretion of the court and shall forfeit and pay to said company or to any person or persons injured thereby treble damages, besides the cost of the action, to be recovered in any court having jurisdiction.

Appliances
for gaug-
ing flow of
river.

§ 22. In constructing the main dam or reservoir for the purposes defined in this act, the work shall include, as a necessary part of the construction, appliances for gauging the flow of the Genesee river, and a record of the daily flow thereof shall be kept and reported each year to the state engineer and surveyor.

Record of
daily flow.

§ 23. This act shall take effect immediately.

Chap. 606.

AN ACT* making appropriations for certain expenses of government and supplying deficiencies in former appropriations.

Became a law April 29, 1898, with the approval of the Governor.
Passed by a two-thirds vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Payments
by treas-
urer.

Audit of
accounts.

Verified
statement.

Section 1. The treasurer shall pay, on the warrant of the comptroller, from the several funds specified, to the persons, and for the objects indicated in this act, the amounts named, or such parts of those amounts as shall be sufficient to accomplish, in full, the purposes designated by the appropriations, but no warrants shall be issued, except in cases of salaries, until the amounts claimed shall have been audited and allowed by the comptroller, who is hereby authorized to determine the same. The persons demanding payment shall present to him a detailed statement, in items, verified by affidavit; and if the account shall be for services, it must show when, where and under what authority they were rendered; if for expenditures, when, where and

*Items of appropriation contained in this act, as passed by the legislature, and objected to by the governor, with the statement of his objections thereto, are not included in this publication, which contains only so much of the act as actually became a law, under section nine of article four of the Constitution.

under what authority they were made; if for articles furnished when and where they were furnished, to whom they were delivered, and under what authority; and if the demand be for traveling expenses, the account must also specify the distance traveled, the place of starting and destination, the duty or business and the date and items of expenditure. On all accounts for transportation, furniture, blank and other books furnished for the use of officers, binding blanks, printing, stationery and postage, a bill duly certified must be furnished; but whenever an appropriation shall have been provided otherwise, the sum herein directed to be paid shall not be considered as an addition to such other appropriation unless it shall be expressly so declared in this act.

Certified
bill to be
furnished.

EXECUTIVE DEPARTMENT.

The sum of one hundred and seventy-five dollars, being the amount paid by the governor for expenses of the investigation of the superintendent of public buildings, and paid from the appropriation for expenses of the governor's office, is hereby appropriated to reimburse expenses of said office.

Reim-
bursement
of investi-
gation ex-
penses.

COURT OF APPEALS.

For compensation of clerks of judges of the court of appeals, and for expenses incurred pursuant to chapter two hundred and twenty-one of the laws of eighteen hundred and ninety-seven, the sum of eight thousand four hundred dollars, or so much thereof as may be necessary.

Compensa-
tion of
clerks of
judges.

For the expenses of the judges of the court of appeals for the year eighteen hundred and ninety-eight, eleven thousand nine hundred dollars, and annually hereafter a like sum shall be allowed for the same purpose, in addition to that now provided by law.

Expenses
of judges.

GENERAL FUND.

For the clergymen officiating as chaplain of the assembly, during the session of eighteen hundred and ninety-eight, for compensation, to be paid to the clerk of the assembly for distribution by him to those clergymen, at the rate of five dollars a day for every day of attendance, five hundred dollars.

Chaplain
of assem-
bly.

For the clergymen officiating as chaplain of the senate during the session of eighteen hundred and ninety-eight, for com-

Chaplain
of senate.

pensation, to be paid to the clerk of the senate, for distribution by him to those clergymen, at the rate of five dollars a day for every day of attendance, five hundred dollars.

FOR THE COMPTROLLER.

Surrogates' fees.

For fees of surrogates in furnishing to the secretary of state copies of letters of administration, copies of wills, probated in other states and subsequently filed in this state, as provided by section twenty-five hundred and three of the code of civil procedure, two hundred dollars, or so much thereof as may be necessary.

Maintenance of convicts in penitentiaries.

For deficiency in appropriation for the maintenance of convicts sentenced to penitentiaries, in pursuance of chapter one hundred and fifty-eight of the laws of eighteen hundred and fifty-six, chapter five hundred and eighty-four of the laws of eighteen hundred and sixty-five, chapter six hundred and sixty-seven of the laws of eighteen hundred and sixty-six, chapter five hundred and seventy-four of the laws of eighteen hundred and sixty-nine, chapter two hundred and forty-seven of the laws of eighteen hundred and seventy-four, chapter five hundred and seventy-one of the laws of eighteen hundred and seventy-five, chapter four hundred and ninety of the laws of eighteen hundred and eighty-five, chapter one hundred and fifteen of the laws of eighteen hundred and ninety-one, chapter five hundred and eighty-seven of the laws of eighteen hundred and ninety-two, and chapter three hundred and seventy-two of the laws of eighteen hundred and ninety-five, sixty-three thousand dollars, or so much thereof as may be necessary.

Payment of counsel.

For the comptroller, for the payment of compensation and expenses of counsel employed by the comptroller in legal actions or proceedings, eight thousand dollars, or so much thereof as may be necessary.

Safe and office expenses.

For the comptroller, for the purchase of a safe, and for deficiency in appropriation for furniture, books, binding, printing and other necessary expenses of his office, three thousand dollars, or so much thereof as may be necessary.

Expense of state lands.

For the comptroller, for deficiency in appropriation to pay the expenses of serving notices on occupants or despoilers of land now owned by the state, or bid in therefor at the comptroller's tax sales; or protecting the state's title to such lands by dis-

charging them from the taxes due thereon, or bidding them in at, or redeeming them from county treasurer's tax sales; of preparing and recording deeds and certificates protecting the state's title to such lands; of definitely locating, appraising and examining them as may be required; of protecting them from trespassers or despoilers, and prosecuting all such offenders, and generally of guarding, preserving the value of, and protecting such lands, five thousand dollars.

The sum of seven thousand five hundred eighty-seven dollars and ninety-two cents, being the unexpended balance of appropriation made by chapter nine hundred and fifty, laws of eighteen hundred and ninety-six, for the comptroller, to pay assessments for local improvements on property owned by the state, is hereby reappropriated for the same purpose, and all fees, interest and expenses of sale or collection incurred by local authority, officer or agent, in making any assessment, levy or collection or sale upon or of state property, or property held in trust for the state, for street or other municipal improvements in any municipal corporation of the state, shall be rejected by the comptroller.

Assessments on state property.

For the compensation of justices of the supreme court whose terms of office have been abridged pursuant to section twelve, article six, of the constitution, and who have served as such ten years, thirty-six thousand dollars.

Justices of supreme court, certain.

For Robert Earl, associate judge of the court of appeals, whose term of office is abridged under the provisions of section twelve, article six, of the constitution, who has served as such associate judge ten years, twelve thousand dollars, or so much thereof as may be necessary

Robert Earl.

For Charles Andrews, late chief judge and associate judge of the court of appeals, whose term of office is abridged under the provisions of section twelve, article six, of the constitution, who has served as such chief judge and associate judge ten years, twelve thousand dollars, or so much thereof as may be necessary.

Charles Andrews.

For Joseph F. Barnard, late a justice of the supreme court in the second judicial district, not residing in the county of Kings, whose term of office was abridged under the provisions of section twelve of article six of the constitution, and who served as such justice for ten years, for additional compensation, pursuant to chapter seven hundred and sixty-five of the laws of eighteen hundred and sixty-eight, as amended by chapter one hundred and fourteen of the laws of eighteen hundred and

Joseph F. Barnard.

ninety-four, the sum of twenty-five hundred dollars, to be paid only from moneys which shall have been or shall be paid into the treasury for taxes levied for the purpose of said acts and in pursuance thereof.

Jackson O.
Dykman.

For Jackson O. Dykman, a justice of the supreme court in the second judicial district, not residing in the county of Kings, whose term of office was abridged under the provisions of section twelve of article six of the constitution, and who served as such justice more than ten years, for additional compensation, pursuant to chapter seven hundred and sixty-five of the laws of eighteen hundred and sixty-eight, as amended by chapter one hundred and twenty-six of the laws of eighteen hundred and eighty-three, and chapter one hundred and fourteen of the laws of eighteen hundred and ninety-four, for the calendar year ending December thirty-first, eighteen hundred and ninety-seven, three thousand seven hundred and fifty dollars, and for additional compensation, for the calendar year ending December thirty-first, eighteen hundred and ninety-eight, three thousand seven hundred and fifty dollars, said amounts to be refunded to the treasury pursuant to the provisions of the above-mentioned acts.

Salaries
and ex-
penses of
justices of
supreme
court.

For deficiency in appropriation for the justices of the supreme court, for salaries and expenses for the fiscal year ending September thirtieth, eighteen hundred and ninety-eight, five thousand seven hundred dollars, or so much thereof as may be necessary.

Expense,
etc., of
comptrol-
ler and
deputies.

For the comptroller, one thousand dollars; for the deputy comptroller, one thousand dollars; and for the second deputy comptroller, seven hundred and fifty dollars, in full of all expenses and disbursements incurred by them respectively in attendance and conducting examinations and investigations for the purposes of taxation, under the corporation and inheritance tax laws, and of all expenses and disbursements incurred by them respectively in the visitations of the prisons, reformatories and other public institutions of the state, whose accounts are audited by the comptroller, and for all other expenses and disbursements incurred by them respectively while in the discharge of their official duties.

Advances
to county
treasurers.

For deficiency in appropriation for advances to county treasurers, on account of taxes on property of non-residents, which

may be returned to the comptroller's office, and for adjusting accounts of state taxes with counties, ten thousand dollars.

For the expenses of examinations and investigations of public institutions, made pursuant to law, the sum of four thousand dollars, or so much thereof as may be necessary, to be paid upon vouchers audited by the comptroller.

Examina-
tions, etc.,
of institu-
tions.

For the comptroller, for compensation of employes, and for expenses in enforcing the provisions of chapter five hundred and forty-six, laws of eighteen hundred and ninety-six, providing for the monthly estimate of expenditures, and the rendering of accounts of state, charitable and reformatory institutions other than the state prisons and state hospitals for the insane, the sum of fifteen thousand dollars, or so much thereof as may be necessary.

Expense
for
monthly
estimate
by institu-
tions.

For the comptroller, for compensation of persons employed by the comptroller in the collection of corporation and inheritance taxes, and for expenses incurred therefor, and for expenses of examinations and investigations for the purposes of taxation, under chapter nine hundred and eight, laws of eighteen hundred and ninety-six, and the acts amendatory thereof, twenty thousand dollars, or so much thereof as may be necessary.

Tax clerks
and exam-
inations.

For deficiency in appropriation for postage or expressage on official letters, documents and all other matter sent by mail or express by the governor, secretary of state, comptroller, treasurer, attorney-general, state engineer and surveyor, superintendent of public instruction, regents of the university, adjutant-general, clerk of the court of appeals, state board of charities, state board of health, civil service commission and bureau of labor statistics for the year ending September thirtieth, eighteen hundred and ninety-eight, five thousand dollars, or so much thereof as may be necessary.

Postage
and ex-
pressage
for public
offices.

For the comptroller, the sum of eight thousand dollars, or so much thereof as may be necessary, to defray the expenses of making an examination of the accounts of the several county treasurers of the state, as required by chapter six hundred and fifty-one of the laws of eighteen hundred and ninety-two, and for the expenses and disbursements incurred by him in the supervision and administration of funds paid into court as may be necessary and required by said act.

County
treasurers'
accounts.

Court
fund.

For the comptroller, for the payment of judgments against the people of the state of New York, for costs in certain actions pursuant to section thirty-two hundred and forty-one of the code of

Judgments
against
state.

civil procedure, three thousand dollars, or so much thereof as may be necessary.

Transportation of laws and documents.

For deficiency in appropriation for expenses of transportation of the session laws, journals and documents of the legislature, reports, books and packages, by express or freight, for public officers, and for boxes therefor, three thousand dollars, or so much thereof as may be necessary.

Redemption of certificates.

For the comptroller, for the redemption of certificate number three, due January thirtieth, eighteen hundred and ninety-nine, issued for the purchase of land for the Adirondack park, under chapter five hundred and sixty-one of the laws of eighteen hundred and ninety-five, fifty-five thousand dollars, and for one year's interest, at three per centum, on certificates numbers three to ten, issued for the same purpose, thirteen thousand two hundred dollars.

Expenses of examination of racing association books.

The sum of five hundred dollars is hereby appropriated for the payment of the salaries and expenses of experts appointed by the comptroller for the year eighteen hundred and ninety-seven, pursuant to the provisions of chapter three hundred and eighty of the laws of eighteen hundred and ninety-six, to examine the books of the incorporated racing associations of the state, and to make such investigations as were necessary to ascertain the amount of tax payable by such associations;

* * * * *

Revolutionary war records.

For the comptroller, for the completion of the work in the examination, arrangement, compilation and binding of the records of the revolutionary war, in the comptroller's office, and for publishing a further edition of one thousand copies of "New York in the Revolution," with index, four copies of such edition to be furnished to each member of the legislature, five thousand dollars, or so much thereof as may be necessary.

Legislative expenses.

For deficiency in appropriation for postage, expenses of committees, compensations of witnesses, legislative manual, Croswell's manual, clerks' manual, indexing the bills, journals and documents of the senate and assembly, and other contingent expenses of the legislature, thirty thousand dollars, or so much thereof as may be necessary.

Clerk of president of senate and of speaker.

To the comptroller, to pay for services of the clerk to the president of the senate, and for services of the clerk to the speaker of the assembly, one thousand dollars each for the year eighteen hundred and ninety-eight, to be paid on the certificate of the president of the senate and speaker of the assembly.

For the Comptroller, for the payment of interest at three and one-half per centum for one year, on four hundred thousand dollars of Adirondack park bonds, issued pursuant to chapter two hundred and twenty of the laws of eighteen hundred and ninety-seven, fourteen thousand dollars, or so much thereof as may be necessary.

Interest on
Adiron-
dack park
bonds.

To the comptroller, two thousand dollars, or so much thereof as may be necessary to reimburse the town of Elko, Cattaraugus county, for damages and expenses paid or incurred by the town on account of the fall on October twenty-eighth, eighteen hundred and ninety-three, of a state bridge across the Allegheny river in that town upon the Allegheny Indian reservation, to be paid by the comptroller to the supervisor of said town, or on his order, upon his filing with the comptroller a release of all claims for damages or otherwise against the state on account of the fall of said bridge.

Reim-
bursement
of town of
Elko.

For the comptroller, for the repayment of moneys uncollected, which were assessed on certain railroad corporations, pursuant to chapter three hundred and fifty-three of the laws of eighteen hundred and eighty-two, and section one hundred and seventy, chapter five hundred and sixty-five of the laws of eighteen hundred and ninety, and the several acts amendatory thereof and supplemental thereto, the sum of three thousand five hundred eighteen dollars and fifty-nine cents, to be refunded to the treasury by the several corporations owning or operating railroads in this state, in such manner as is prescribed by law.

Repay-
ments to
railroad
corpora-
tions.

For the comptroller, for recopying, binding and repairing tax books, sales books, tax diaries, redemption diaries and other books and records of the land bureau in the comptroller's office, three thousand dollars, or so much thereof as may be necessary.

Books and
records of
land
bureau.

For the payment of interest on comptroller's bonds, issued in pursuance of section fourteen of chapter four hundred and thirteen, laws of eighteen hundred and ninety-seven, to provide funds to meet the current expenses of government, ten thousand five hundred dollars, or so much thereof as may be necessary.

Interest on
compt-
roller's
bonds.

For the payment of the Morgan Lumber Company, for balance due for certain lands in townships ten and twenty-nine, Totten and Crossfield's purchase, Hamilton and Warren counties, purchased for the forest preserve, pursuant to chapter three hundred and thirty-two, laws of eighteen hundred and ninety-three, eight thou-

Morgan
Lumber
Company.

sand five hundred and thirty-one dollars and thirty-two cents, and for interest on same from February twelfth, eighteen hundred and ninety-six, eight hundred dollars, or so much thereof as may be necessary.

SECRETARY OF STATE.

Registration books, and books for libraries.

Corporation index.

Cataloguing.

Reproduction, etc., of maps and surveys.

For the secretary of state, for the purpose of complying with the provisions of subdivision one of section thirty-six of the election law; for the purpose of complying with the provisions of chapter two hundred and eighteen of the laws of eighteen hundred and ninety-five; for the purchase of law books; for the completion of a new index of the corporation records in the secretary of state's office, and for the cataloguing and preservation of records, the sum of twelve thousand dollars.

For the secretary of state, for the reproduction and publication of any and all maps and surveys made by the early engineers and explorers during the colonial period of the history of New York; also all maps made during the revolutionary period and the war maps of the period from eighteen hundred and twelve to eighteen hundred and fourteen, inclusive; also all available notes made by commanding officers during such periods as may be deemed necessary by the secretary of state for the proper explanation of said maps, one thousand dollars.

STATE ENGINEER AND SURVEYOR.

Surveys and maps before court of claims.

For the state engineer and surveyor, for surveys and maps, for the use of the attorney-general in cases before the board of claims, arising on account of the canals in the state, the sum of seven thousand dollars, or so much thereof as may be necessary, payable from the canal fund.

Monumenting oyster lands.

For the state engineer and surveyor, to enable him to continue the surveying, platting and monumenting of the state lands now under lease or to be leased in the future of the oyster industry, the sum of two thousand dollars.

Traveling expenses.

For the state engineer and surveyor, for traveling expenses and disbursements and for expenses incurred by his department, in making examinations, surveys and maps and for restoring and placing monuments on the boundary lines of the state, pursuant to chapter four hundred and twenty-one, laws of eighteen hundred and eighty-seven, the sum of six thousand eight hundred dollars, payable from the general fund.

Monuments on state boundary lines.

To the state engineer and surveyor, the sum of two thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of moneys not otherwise appropriated, to repair and preserve the highway, known as the "State Road" in the town of Colton, Saint Lawrence county, said moneys to be expended under the supervision and direction of the state engineer and surveyor.

Repair of
state road
in Colton.

THE ATTORNEY-GENERAL.

For the attorney-general, the sum of five thousand dollars, or so much thereof as may be necessary for the expenses of investigating claims presented against the state other than those arising in connection with the construction, maintenance and management of the canals, except claims for personal injury.

Expenses
of investi-
gations.

For the attorney-general, for printing, blanks and other necessary office expenses, six hundred dollars.

Office
expenses.

For the attorney-general, the sum of five thousand dollars, or so much thereof as may be necessary to pay counsel and commissioners employed by him in pursuance of law. The amounts shall, in each case, be certified by the attorney-general.

Counsel
and com-
missioners.

For the attorney-general, for payment of attorneys and counsel designated or employed by the governor or attorney-general, for the transaction of legal business in pursuance of the provisions of chapter eight hundred and twenty-one of the laws of eighteen hundred and ninety-five, eighteen thousand dollars, but no warrants shall be issued for such payments until the amounts claimed shall be certified, audited and allowed by the governor and attorney-general.

Payment
for attor-
neys and
counsel.

For the payment to Louis Diamant for his services and disbursements as counsel to the attorney-general in the matter of the charges preferred against Edward J. H. Tamsen, as sheriff of the county and city of New York, pursuant to an order of the governor, dated the eighteenth day of February, eighteen hundred and ninety-six, the sum of twelve hundred dollars, or so much thereof as may be necessary, to be paid on the certificate of the attorney-general to the order of the comptroller.

Louis
Diamant.

NEW YORK STATE SCHOOL FOR THE BLIND.

For the New York State School for the Blind, at Batavia, the following items, or so much thereof as may be necessary, for the erection and equipment complete of a gymnasium, ten thou-

Improvements
at school.

and dollars; for the construction of a corridor on the east side of the main building for a place of exercise and recreation for the girls and young children during the inclement weather of the winter, two thousand dollars; for a program clock set up complete with wiring and eight gongs stationed in various parts of the building, and two outside, two hundred and sixty dollars; for a pneumatic watchman check system of eight stations, one hundred dollars; for a new carriage and harness, three hundred dollars; for the purchase of new pianos, one thousand dollars. The sum of four hundred and forty-nine dollars, being the balance remaining of the appropriation of eighteen hundred and ninety-seven for placing a heating plant in the new industrial building, is hereby reappropriated for putting in an elevator, and for putting in partitions on the second floor and painting the walls; also the sum of one hundred and ten dollars appropriated in eighteen hundred and ninety-seven for the school for Weaver and Winslow, is hereby reappropriated and an additional appropriation of one hundred and forty dollars is hereby made for repairs to pavement.

FISHERIES, GAME AND FOREST COMMISSION.

Rebates
for towns
for sup-
pressing
fires.

For the commissioners of fisheries, game and forests, for the payment of rebates due the various towns on account of bills paid by them for suppressing forest fires under chapter six hundred and fifty-five of the laws of eighteen hundred and ninety-six, six thousand dollars, or so much thereof as may be necessary.

Office
expenses.

For stationery, printing and other necessary expenses, twelve hundred and fifty dollars, or so much thereof as may be necessary.

The sum of one thousand four hundred and seventy-six dollars and forty cents, being the sum paid into the state treasury from the rentals of state lands pursuant to chapter three hundred and thirty-two of the laws of eighteen hundred and ninety-three, and interest on deposits is hereby appropriated for the purchase of land within the Adirondack park, as provided by section one hundred and twenty-three, article eight of said act.

Salaries,
etc., of
oyster
protectors.

For salaries and expenses of two oyster protectors and one assistant oyster protector as per chapter four hundred and eighty-eight of the laws of eighteen hundred and ninety-two as amended by chapter three hundred and ninety-five of the laws of eighteen hundred and ninety-five, four thousand six hundred and fifty dollars.

For fisheries, game and forest commission, for services and disbursements of counsel in proceedings brought under chapter three hundred and ninety-two of the laws of eighteen hundred and ninety-seven, and in the defense of actions brought to restrain the same, the sum of fifteen thousand dollars, or so much thereof as may be necessary, is hereby appropriated.

Services,
etc., of
counsel.

For the fisheries, game and forest commission, for an exhibit at the New York State Fair of eighteen hundred and ninety-eight, of the various species of fish and showing the propagation of same, and for a forestry exhibit, the sum of five hundred dollars.

Exhibit at
state fair.

For counsel fees incurred by the forest commission of the state of New York and the members thereof in defending the action of George C. Sherman against the Adirondack Railroad Company and others, one thousand dollars to be audited by the commissioners of fisheries, game and forest.

Counsel
fees by
forest com-
mission.

For the commissioners of fisheries, game and forest, ten thousand dollars for docks and improvements upon state lands in the state reservation on the Saint Lawrence river.

St. Law-
rence state
reservation.

SUPERINTENDENT OF PUBLIC WORKS.

For the superintendent of public works, for the repair and improvement of road in town of Lyonsdale in Lewis county, situated on the east side of Black river, near Davis bridge, overflowed by reason of the state dam, the sum of two hundred dollars, or so much thereof as may be necessary.

Road in
Lyonsdale.

For the superintendent of public works, for cleaning out and dredging Bear lake, the sum of one thousand dollars, or so much thereof as may be necessary.

Dredging
Bear lake.

For the superintendent of public works, for repairing the road and bridge of the Old State road, known as the Erie road, on the Cattaraugus Indian Reservation, in the town of Brant, the sum of six hundred dollars, or so much thereof as may be necessary.

Repair of
Erie road.

The sum of three thousand five hundred dollars, or so much thereof as may be necessary, is hereby appropriated to repair the highways on the Allegany Indian Reservation, in the towns of Great Valley, Red House and South Valley, in the county of Cattaraugus, said moneys to be expended under the direction of the superintendent of public works.

Highways
on Indian
reservations.

The sum of three thousand dollars, or so much thereof as may be necessary, is hereby appropriated to repair the highways on

Ibid.

the Saint Regis Indian Reservation, said moneys to be expended under the direction of the superintendent of public works.

North
Branch
reservoir.

For the superintendent of public works, for balance due on contract, for repairs on the North Branch reservoir, in town of Wilmurt, county of Herkimer, pursuant to chapter one hundred and forty-eight of the laws of eighteen hundred and ninety-five, and interest thereon, the sum of one hundred and forty-two dollars and ninety-three cents, or so much thereof as may be necessary, payable from the canal fund.

Bridge at
Rome.

For the superintendent of public works, for balance due on contract for bridge over the Black River canal at Garden street, Rome, pursuant to chapter nine hundred and sixty-five of the laws of eighteen hundred and ninety-five, and interest thereon, the sum of nine hundred and twenty-three dollars and twenty-four cents, or so much thereof as may be necessary, payable from the canal fund.

Bridge at
Syracuse.

For the superintendent of public works, for balance due on contract, for bridge over the Erie canal at West Genesee street, Syracuse, pursuant to chapter three hundred eleven, of the laws of eighteen hundred ninety-five, and chapter nine hundred fifty, of the laws of eighteen hundred ninety-six, and interest thereon, the sum of seventeen hundred and forty-five dollars and fifty cents, or so much thereof as may be necessary, payable from the canal fund.

Bridge at
Buffalo.

For the superintendent of public works, for balance due on contract for bridge over the Erie canal at Porter avenue, Buffalo, pursuant to chapter five hundred ninety, of the laws of eighteen hundred ninety-five, and interest thereon, the sum of fourteen hundred and thirty-two dollars and seventeen cents, or so much thereof as may be necessary, payable from the canal fund.

Cayuga
and
Seneca
canal.

For the superintendent of public works, for balance due on contract for protecting the berme bank of the Cayuga and Seneca canal at the foot of Seneca lake, pursuant to chapter one hundred forty-two of the laws of eighteen hundred ninety-five, and interest thereon, the sum of one hundred and eighty-two dollars and thirty cents, or so much thereof as may be necessary, payable from the canal fund.

Traveling
expenses,
etc.

For the superintendent of public works, the sum of two thousand five hundred dollars, payable in monthly instalments, in lieu of and in full for traveling expenses and disbursements incurred by him.

Drake's
draw-
bridge.

For the superintendent of public works, for the operation, main-

tenance and repair of the drawbridge, known as Drake's drawbridge, spanning the Wappinger creek near the village of New Hamburg, in the county of Dutchess, for the year ending March first, eighteen hundred and ninety-nine, as provided by chapter two hundred and thirty-nine of the laws of eighteen hundred and ninety-two, as amended by chapter four hundred and one of the laws of eighteen hundred and ninety-three, the sum of seven hundred dollars.

* * * * *

The sum of ten thousand dollars, or so much thereof as may be necessary, is hereby appropriated for the purpose of dredging the Cayuga and Seneca canals and for the removal of bars and other obstructions in the canal below the first mud lock and the lock at the beginning of the canal near the lake. Said money to be expended under the direction of the superintendent of public works.

Cayuga
and
Seneca
canal.

Superintendent of public works, for the construction of a highway and the necessary sluices upon the Tonawanda Indian reservation, in the county of Genesee, at the westerly end of the Judge road, so called, to and across the Oak Orchard creek feeder and gates thereof, and for the building of bridges and betterments of the highway already constructed on said reservation, the sum of one thousand dollars, or so much thereof as may be necessary.

Highway
on Tona-
wanda
reserva-
tion.

Superintendent of public works, the sum of seven thousand dollars, or so much thereof as may be necessary, to complete bridge over Erie canal at Fitzhugh street, Rochester, as authorized by chapter thirty-two of the laws of eighteen hundred and ninety-seven, the cost of operating said bridge to be a charge upon the city of Rochester.

Bridge at
Rochester.

For the superintendent of public works, for the repairs of highways on the Onondaga Indian reservation, to be expended under the direction of the superintendent of public works on the roads known as "Quarry," "Cardiff," "South Hollow," "William Hill" and "Albert Everingham" roads, the sum of two thousand dollars, or so much thereof as may be necessary.

Highways
on Onon-
daga reser-
vation.

For the superintendent of public works, for the completion, extension and construction of a bridge over the canal feeder at Medina as provided in chapter seven hundred and ninety-one of the laws of eighteen hundred and ninety-six, the sum of three thousand dollars. No part of the money hereby appropriated

Bridge at
Medina.

shall be available until after the execution of a contract by a responsible party to said superintendent of public works for the completion of the said bridge at a cost within the said appropriation and the filing of the said contract with the comptroller.

Highways
at Sala-
manca.

The sum of five hundred dollars, or so much thereof as may be necessary, is hereby appropriated to repair the highways on the Indian reservation in the township of Salamanca, said moneys to be expended under the direction of the superintendent of public works.

State dams
on Beaver
river.

For the purpose of building dams supplemental to the State dam on Beaver river, seven thousand dollars; for building keeper's house, fifteen hundred dollars; for paying deficiency in expenditures of the commissioners appointed by chapter one hundred and sixty-eight of the laws of eighteen hundred and ninety-four, fifteen hundred dollars. Said moneys to be expended by said commissioners under the supervision of the superintendent of public works, but no dam shall be erected except the plans therefor have been approved by the forest preserve board.

Capitol.

For the superintendent of public works, for completing the capitol, preparing, filling in, grading and sodding the grounds surrounding the same and for the construction and laying of walks therein, and for sundry expenses connected therewith, the sum of eighty-four thousand dollars, or so much thereof as may be necessary.

NEW YORK STATE AGRICULTURAL SOCIETY.

Promotion
of agricul-
ture.

For the New York State Agricultural Society, for the interest of the state and the promotion of agriculture therein, to be expended under the direction of the commissioner of agriculture, the sum of ten thousand dollars, for the purpose of constructing on the grounds of the society a poultry building system of sewerage, and for such other improvements and expenditures for improving said grounds and property as may be found necessary by the society for the promotion of agriculture in this state.

STATE BOARD OF CHARITIES.

Office
expenses.

For the state board of charities, for deficiency in appropriation, five thousand dollars.

PUBLIC INSTITUTIONS.

Custodial
asylum for
feeble
minded
women.

To the board of managers of the State Custodial Asylum for Feeble-Minded Women, for the purpose of building a cottage:

dormitory similar to the "D" building now in use, which the managers shall be allowed to build without reference to section six, chapter eighty-four of the laws of eighteen hundred and ninety-five, and furnishing, heating, lighting and equipping the same for the accommodation of not less than fifty inmates, eighteen thousand dollars, or so much thereof as may be necessary. For maintenance, five thousand dollars, or so much thereof as may be necessary.

For the Thomas Asylum, orphan and destitute Indian children, for furnishing new administration building, two thousand dollars, and for finishing cow barn, seven hundred dollars, or so much thereof as may be necessary. Thomas asylum.

The sum of eight thousand six hundred thirty-two and seven one-hundredths dollars, being a portion of the unexpended balance of the appropriation of two hundred thousand dollars made by chapter nine hundred and forty-eight of the laws of eighteen hundred and ninety-six, for the maintenance and ordinary repairs for the New York State Reformatory at Elmira, is hereby reappropriated for securing additional facilities and instruction in the manual, technological and letters schools of said institution. State reformatory

The sum of forty-two dollars, being the amount now in the treasury of the Woman's Monument Fund, created by chapter one hundred and ninety-six of the laws of eighteen hundred and eighty-six, is hereby appropriated and shall be paid to the trustees of the Soldiers and Sailors' Home at Bath, pursuant to the provisions of said act. Soldiers and sailors' home.

For the Western House of Refuge for Women at Albion, for raising roof of storehouse and making other necessary changes for use of an assembly room and other purposes, three thousand dollars, and for addition to the present power house of an electric-light plant and carpenter shop, two thousand dollars; and for the equipment and extraordinary repairs, one thousand dollars; and for recovering steam pipes, five hundred dollars, or so much thereof as may be necessary. Western house of refuge for women.

For the Syracuse State Institution for Feeble-Minded Children, to be expended under the direction of the local board of managers, for excavation for and the construction of an underground tunnel or conduit for the steam and other pipes between the boys' building and the stable, fourteen hundred dollars; and for new floors and steel ceilings in various parts of the building, Syracuse institution for feeble-minded children.

one thousand dollars, or so much thereof as may be necessary; said sums to be paid from the unexpended balance, October first, eighteen hundred and ninety-seven, of the appropriation of eighty-one thousand dollars made by chapter nine hundred and forty-eight of the laws of eighteen hundred and ninety-six for the maintenance and ordinary repairs to said institution, which unexpended balance is hereby reappropriated.

MISCELLANEOUS REPORTER.

Assistants
and office
expenses.

For the miscellaneous reporter, for deficiency in former appropriations for assistants, clerk hire, obtaining copies of opinions and office expenses, the sum of three thousand seven hundred and thirty-one dollars and fifty cents, to be paid by the state treasurer on the certificate of the reporter and audit and certificate of the comptroller.

THE NEW YORK COMMISSION TO THE NEGRO DEPARTMENT OF TENNESSEE CENTENNIAL.

Services,
etc., of
clerk.

To Emma L. Bonaparte, for services and expenses as clerk to the New York commission to the Tennessee centennial, six hundred and seventy-five dollars.

NIAGARA RESERVATION.

Rustic
bridge.

For the commissioners of the state reservation at Niagara, for the construction of a rustic stone arch bridge from Goat island to the first Sister island, in the reservation, upon a plan to be approved by the state engineer and surveyor, and for other improvements in the reservation, the sum of fifteen thousand dollars.

STATE HISTORIAN.

Office
expenses.

For the state historian, for copyist, indexer, typewriter and for extra clerical service, and for printing, stationery, maps and supplies, the sum of one thousand seven hundred dollars, or so much thereof as may be necessary.

COMMISSIONER OF AGRICULTURE.

Work of
depart-
ment.

For the commissioner of agriculture, for expenses and for the continuance and extension of the work of his department pursuant to the provisions of chapter three hundred and thirty-eight of the laws of eighteen hundred and ninety-three to the close of the fiscal

year, the sum of twenty thousand dollars. And for the purpose of investigation and extermination of the San Jose scale, the sum of ten thousand dollars, or so much thereof as may be necessary.

To buy furniture, carpets and other furnishing for his office, the sum of one thousand dollars. Furniture, etc.

For the maintenance of farmers' institutes, held under the auspices of the commissioner of agriculture, to be paid upon the order of said commissioner, and certified in sums as needed and for which vouchers for expenditures duly audited and verified by him shall be rendered, the sum of twenty thousand dollars. Farmers' institutes.

For the state weather bureau, to be expended under the direction of the commissioner of agriculture, the sum of four thousand five hundred dollars, or so much thereof as may be necessary, for the prosecution of its work to the close of the next fiscal year, pursuant to the provisions of the agricultural law. State weather bureau.

To Charles A. Wieting, in lieu of and in full of all traveling and other expenses incurred by him as commissioner of agriculture for the year beginning May first, eighteen hundred and ninety-eight, the sum of five hundred dollars, payable in equal monthly installments, from the moneys appropriated to pay the expenses of the department of agriculture. Traveling expenses of commissioner.

To George L. Flanders, in lieu of and in full of all traveling and other expenses incurred by him as assistant commissioner of agriculture for the year beginning May first, eighteen hundred and ninety-eight, the sum of five hundred dollars, payable in equal monthly installments from the moneys appropriated to pay the expenses of the department of agriculture. Traveling expenses of assistants.

For the New York State Agricultural Experiment Station at Geneva, for the expense of bulletins and of enforcing the provisions of the law in relation to commercial fertilizers, as shall be authorized by the board of control, pursuant to chapter four hundred and thirty-seven, laws of eighteen hundred and ninety, the sum of ten thousand dollars, or so much thereof as may be necessary. Agricultural experiment station, Geneva.

JUVENILE DELINQUENTS.

For the board of managers of the House of Refuge for the Reformation of Juvenile Delinquents at Randall's Island, New York city, the following items, or so much thereof as may be necessary: For electric lighting plant, including engine, dynamo and equipment to light the buildings and grounds, eighteen thousand dollars; for additional machinery and laundry work, House of refuge, Randall's Island.

three thousand seven hundred dollars; for school furniture to complete the refurnishing of the class rooms, one thousand seven hundred dollars; for the necessary equipment for instruction in brick laying and masonry, one thousand five hundred dollars; for steam pipes and radiators, one thousand five hundred dollars; for two fire escapes from the chapel, with necessary alterations, one thousand dollars; for additional fire hydrants and water mains for the extinguishment of fire, including the necessary labor connected therewith, one thousand dollars; for repairing the private water main of the institution which crosses the Harlem river and connects with the city Croton main, one thousand dollars; for new flooring for first and second division dining-rooms, seven hundred and fifty dollars; for repairing dock, replanking the same and putting in drop bridge, with necessary gearing, et cetera, to enable city fire engines to be landed in case of need, six hundred dollars; for two new printing presses and type for the printing shop, five hundred dollars, making a total of thirty-one thousand two hundred and fifty dollars.

LIBRARIES.

Supreme
court,
second
depart-
ment.

For the library of the supreme court, appellate division of the second judicial department, payable by the comptroller upon vouchers approved by the presiding justice of said court, one thousand dollars.

State
library,
for books,
etc.

For the state library, for books, serials, binding and other necessary expenses of maintaining the state medical library, pursuant to chapter three hundred and seventy-seven of the laws of eighteen hundred and ninety-one, one thousand dollars.

Care, etc.,
of state
library and
regents'
office.

For care and cleaning of the rooms of the state library, regents' office, examination, extension, public libraries and duplicate departments, and other rooms occupied by the university of the state in the basement and on the first, third, fourth and fifth floors of the capitol; and for janitor, watchman, porters, running two elevators, labor of cleaning and handling books, and for necessary repairs, fittings and supplies connected with the janitorial department, to be paid on vouchers duly authenticated by the regents as for their other expenses, fifteen thousand dollars.

Indian
museum.

For additions to the Indian museum, in accordance with chapter five hundred and eighty-six, laws of eighteen hundred and

ninety-six, provided that the curator shall serve without salary, two thousand dollars.

For deficiency in the general examination appropriations caused by increase in number of schools and students, twenty thousand dollars, payable to the regents of the university, on audit of the comptroller. Examination expenses.

For deficiency caused by increase in the number of public libraries conforming to the law entitling them to share in the apportionment of public library money by the regents of the university for the benefit of free libraries, and for books to be lent in accordance with sections fourteen, forty-seven and fifty of chapter three hundred and seventy-eight of the laws of eighteen hundred and ninety-two, eighteen thousand two hundred and fifty dollars. Public library moneys

To the state library for extra expense of keeping open evenings and holidays and for deficiency in the general appropriation caused by the increase in use and number of rooms occupied, and in number of books added and catalogued, seven thousand one hundred dollars. Extra expenses for keeping open, etc.

To the state library as an addition to the book appropriation to cover the expense of accumulated binding and repairs for the past nine years, five thousand dollars. Binding and repairs.

For the court of appeals library, situated at Syracuse, Onondaga county, for the purchase of books and other supplies for said library, the sum of two thousand dollars, to be paid on bills therefor audited by a majority of the trustees having charge of said library. Court of appeals library, Syracuse.

For maintenance of the libraries of the appellate division and trial terms of the supreme court in the first judicial department two thousand dollars. First department.

For the supreme court library in the sixth judicial district at Elmira, the sum of two thousand dollars is hereby appropriated for the purchase of law books and the expense of keeping the books of said library, said bills to be paid when certified by a majority of the trustees having charge of said library. Supreme court library, Elmira.

For the supreme court library of the eighth judicial district in the city of Buffalo, for the purchase of law books, reports, et cetera, the sum of two thousand dollars, to be paid on bills therefor audited by a majority of the trustees having charge of said library. Buffalo.

Rochester. For the court of appeals library, situated in the city of Rochester, Monroe county, for the purchase of books and supplies for said library, the sum of three thousand dollars, out of which said sum there shall be paid not to exceed the sum of five hundred dollars for a working library for the appellate division of the supreme court, fourth judicial department.

MATTEAWAN STATE HOSPITAL FOR INSANE CRIMINALS.

Improvements.

For Matteawan State Hospital for Insane Criminals, the following items or so much thereof as may be necessary for deficiency in maintenance, fifteen thousand dollars; for walks and cementing airing courts, twelve hundred dollars; for roadways, five hundred dollars; for hennery, two hundred and twenty-five dollars; for piping barns, one thousand dollars; for iron dry horses, seven hundred dollars; for mortuary, three thousand dollars; for flag staff, one hundred and fifty dollars.

BOARD OF COMMISSIONERS OF QUARANTINE.

Care, etc., of quarantine.

For the board of commissioners of quarantine, the following items or so much thereof as may be necessary, three thousand dollars for the care and maintenance of grounds, buildings and boats of the health officer's department at the quarantine station on Staten Island; for repairing walls damaged by sinking of foundation and repairing foundation, twenty-one hundred and thirty dollars and for painting the outside of buildings on Hoffman Island, eighteen hundred dollars, and for care and maintenance, twenty thousand dollars.

Repairs and improvements.

SUPERINTENDENT OF PUBLIC INSTRUCTION.

FROM GENERAL FUND.

Instruction in natural history, etc.

For the state superintendent of public instruction, for the purpose of providing facilities for instruction in natural history, geography and kindred subjects by means of pictorial representations and lectures to the free schools of each city and village of the state having a superintendent of free common schools, in accordance with the provisions of chapter three hundred and sixty-two of the laws of eighteen hundred and ninety-five, the sum of fifteen thousand dollars, or so much thereof as may be necessary, payable by the treasurer on the warrant of the comp-

troller, upon vouchers approved by the state superintendent of public instruction and audited by the comptroller.

For repairs, renewals, betterments of buildings, equipment, fixtures, furniture and such additional accommodations in the normal schools of the state as may be necessary, the sum of eighty-six thousand dollars, or so much thereof as may be necessary, to be apportioned by the state superintendent of public instruction, and to be expended by the local board of managers and payable upon bills audited by the comptroller upon vouchers approved by the state superintendent. The state superintendent shall cause to be made and filed in his department each year a correct inventory of all the personal property belonging to the state in each of the state normal schools; and shall also prepare and file in his department plans and elevations upon a uniform scale of each of the normal school buildings, and block plans of the grounds connected therewith. The necessary expense thereof to be audited by the comptroller and paid from this item upon vouchers approved by the state superintendent.

Normal schools.

Inventory of property.

Plans of school buildings.

The sum of six thousand two hundred and forty-five dollars and forty cents being the unexpended balance of moneys appropriated by chapter nine hundred and fifty of the laws of eighteen hundred and ninety-six for the payment of county treasurers' fees is hereby reappropriated out of the free school fund for the purposes of defraying the expenses of the preparation, printing and binding of two thousand copies of "Recent School Architecture," the printing of blanks and records for the biennial school census of eighteen hundred and ninety-seven in accordance with the provisions of chapter five hundred and fifty of the laws of eighteen hundred and ninety-five, and for continuance and publication of the compilation of educational reports and statistics from other states and foreign countries provided for by chapter nine hundred and thirty-two of the laws of eighteen hundred and ninety-five.

Printing of copies of school architecture.

Blanks for school census.

Educational reports and statutes.

For necessary repairs in the office of the state superintendent of public instruction including the enlargement of existing and construction of new storage facilities, repairs of ceilings and putting of plumbing work in proper condition, and the furnishing of the rooms now occupied by him, the sum of two thousand dollars, or so much thereof as may be necessary, the work to be done under the supervision of the superintendent of public buildings, and said payment to be made on the audit of the comptroller.

Enlargement and repairs of rooms.

Counsel
fees.

For the department of public instruction, for the payment of the necessary legal expenses and counsel fees in the defense of actions brought against the state superintendent in his official capacity, and also for the fees of counsel and legal expenses in the application of Frederick D. Light, and others, for a writ of certiorari to review the action and decision of the state superintendent of public instruction in the removal of the appellants from their office as members of the board of education of the town of Dunkirk, and for the printing and expenses upon appeal of said proceedings and necessary disbursements connected therewith, the sum of three thousand dollars to be paid on the warrant of the comptroller upon the bills approved by the superintendent.

School-
house
Onondaga
reserva-
tion.

For the use and improvement of the school and schoolhouse on the Onondaga Indian Reservation, the sum of three hundred dollars to be expended under the direction of the superintendent of public instruction. .

SUPERINTENDENT OF INSURANCE.

Examina-
tions.

For the examination of insurance companies by direction of the superintendent of insurance to be used in his discretion and to be collected from and be refunded to the treasury by the companies so examined as provided by law, thirty thousand dollars or so much thereof as may be necessary.

Actuarial
work.

For the payment of the expense of the actuarial work imposed upon the superintendent of insurance by chapter three hundred and ninety-nine of the laws of eighteen hundred and ninety-two, three thousand dollars or so much thereof as may be necessary to be refunded to the treasury as provided by law.

New valua-
tion tables.

For the superintendent of insurance to enable him to carry into effect the provisions of section eighty-four of chapter six hundred and ninety of the laws of eighteen hundred and ninety-two, known as the insurance law, for expenses of computation, compilation and publication of new valuation tables for valuation and other incidental expenses connected therewith rendered necessary by said section, eight thousand dollars, or so much thereof as may be necessary, payable out of the surplus in the treasury, arising from taxes, license fees, and other moneys collected from the insurance companies, agents and other persons and paid into the treasury over and above the appropriations for maintaining said department.

For necessary changes in the actuary's room and general office, Changes in rooms.
 forty-five hundred dollars, or so much thereof as may be necessary.

STATE MUSEUM.

For deficiency in the appropriation for the maintenance of the Maintenance of museum.
 museum in Geological Hall, eight hundred dollars.

For the state geologist, for geological field work, the completion Geological work and maps.
 of the geological map of the state, the examination of, and reports upon, limestones, waterlime, clays, and other economic geological products of the state, the sum of three thousand dollars, payable on the certificate of the state geologist and the audit of the comptroller.

RAILROAD COMMISSION.

For the board of railroad commissioners, for an electrical expert, Electrical experts.
 the sum of four thousand dollars, this amount to be paid by the comptroller upon the requisition of the board of railroad commissioners, and to be refunded to the treasury by the several corporations owning or operating railroads in this state, in such manner and proportion as is prescribed by law. And for necessary traveling expenses, and for the purchase of law and statistical books, Traveling expenses and books.
 the sum of two hundred and fifty dollars, or so much thereof as may be necessary.

SUPERINTENDENT OF PUBLIC BUILDINGS.

For deficiency in appropriation for the care, cleaning, labor, Expense of public buildings.
 lights, fuel, services of orderlies and watchmen, and other necessary expenses of the public buildings in charge of the trustees of public buildings, thirty-five thousand dollars, or so much thereof as may be necessary.

For painting and decorating rooms of the court of appeals, for Court of appeals rooms.
 replacing broken plate glass in exterior windows, the work to be done under the supervision of the superintendent of public buildings, the sum of one thousand five hundred dollars, or so much thereof as may be necessary.

To the superintendent of public buildings, for the purpose of Elevators in capitol.
 reconstructing the elevators on the south side of the capitol and furnishing and erecting four ornamental elevator fronts and mechanical indicators as well as the sliding doors for the two upper floors in accordance with the designs and specifications submitted by Otis Brothers and Company on February the second, eighteen

hundred and ninety-eight, the sum of nineteen thousand seven hundred dollars is hereby appropriated, and the superintendent of public buildings is authorized and directed to enter into contract with Otis Brothers and Company for the said work in accordance with the above plans and specifications, not exceeding the sum hereby appropriated.

STATUTORY REVISION.

Prosecution of work.

For the commissioners of statutory revision, for the prosecution of their work during the year eighteen hundred and ninety-eight and to the close of the annual session of the legislature of eighteen hundred and ninety-nine, twenty-two thousand dollars, or so much thereof as may be necessary, to pay for their services, personal and incidental expenses, clerk hire and printing, as shall be certified to be just and reasonable by the governor, the payment of each commissioner for services not to exceed at the rate of two hundred and fifty dollars per month.

BUREAU OF LABOR STATISTICS.

Salary of deputy.

For the deputy commissioner of labor statistics, for the payment of deficiency in salary until September thirtieth, eighteen hundred and ninety-eight, the sum of eight hundred and thirty-three dollars and thirty-three cents.

STATE INDUSTRIAL SCHOOL.

Improvements at school.

For the State Industrial School, at Rochester, the following items, or so much thereof as may be necessary, for remodeling the second division dormitory, six thousand dollars; for a new stack for the boiler room, five thousand dollars; for re-setting boilers, five thousand dollars; for repairs to boiler house, one thousand dollars; for a cottage for the gardener in order to better protect the property of the institution, one thousand dollars; for additional machinery for shoe shop and machine shop and tools for trade schools, three thousand dollars; for rewards to inmates, one thousand dollars, which shall be paid as follows: To each cadet captain of the school, not exceeding twelve in number, shall be paid the sum of two dollars monthly; to each cadet lieutenant of the school not exceeding twenty-four in number, shall be paid the sum of one dollar monthly; to each cadet foreman of shop, not exceeding twenty in number, the sum of two dollars per month; any loss or damage accruing to the institution through any act or

Rewards to inmates.

neglect of any such cadet officer or cadet foreman, may be charged against the sums earned by them and deducted therefrom.

STATE PRISONS.

For providing current literature for the several state prisons, ^{Current literature.} the sum of two thousand dollars, to be expended under the direction of the superintendent of state prisons.

For securing additional instruction in the several state prisons, ^{Instruction.} two thousand six hundred dollars, or so much thereof as may be necessary, to be expended under the direction of the superintendent of state prisons.

For the superintendent of state prisons, for traveling expenses ^{Traveling expenses.} for the superintendent and his clerks, the sum of five hundred dollars.

WASHINGTON'S HEADQUARTERS.

For Washington's headquarters at Newburgh, the sum of five thousand dollars, or so much thereof as may be necessary, is hereby appropriated to erect a wall along the northeastern boundary of the headquarters property, and to put said property in a safe and proper condition; the work to be done under direction of the superintendent of public works upon a contract to be let after bids have been duly advertised for. ^{Improvement of property.}

PUBLIC BUILDINGS.

For the balance due for work in repairing interior and exterior ^{State hall.} of the state hall, to be paid on the approval of the comptroller, superintendent of the banking department and state engineer and surveyor, the sum of six thousand nine hundred eighty-two dollars and seventeen cents, or so much thereof as may be necessary.

STATE BOARD OF TAX COMMISSIONERS.

For the state board of tax commissioners, for expenses and disbursements in enforcing the provisions of chapter nine hundred and eight of the laws of eighteen hundred and ninety-six, ^{Expenses and disbursements.} three thousand dollars, or so much thereof as may be necessary.

STATE COMMISSIONER OF EXCISE.

For state commissioner of excise, for payment of refunds upon ^{Payment of refunds.} surrender of liquor tax certificates, to be paid by the state treasurer from excise moneys in his hands, one hundred and eighteen thousand dollars.

HEALTH OFFICER OF THE PORT OF NEW YORK.

Laboratory, apparatus, etc.

For the health officer of the port of New York, for payment of deficiency incurred for construction of laboratory, apparatus, furnishing and supplies therefor, for extraordinary expenses in the care of yellow fever cases, for repairs to boats and property, and for coal and supplies for said department, the sum of twelve thousand dollars, or so much thereof as may be necessary, to be paid upon accounts audited by the comptroller.

NATIONAL GUARD AND NAVAL MILITIA.

Armories, state camp and rifle ranges.

For the adjutant general, for repairs, improvements and betterments of the state arsenals, armories, camp grounds and the rifle-ranges at Creedmoor and throughout the state, the sum of twenty thousand dollars, or so much thereof as may be necessary, and so much of said twenty thousand dollars as may be necessary shall be used for the following purposes: For the necessary repairs and improvements of the state armory at Syracuse, five thousand dollars, and for the necessary repairs for the armory at Kingston, to complete improvement to building now in progress, for changing partitions and other betterments, the sum of fifteen hundred dollars.

War records, compilation of.

For the adjutant-general, to enable him to comply with sections thirty-eight, thirty-nine and forty, chapter sixteen of the general laws of the state, and to complete the personal records of the regiments, companies, troops, batteries and marines of this state which served in the late war for the union, and for printing and binding the same in book form under the direction of the adjutant-general, the sum of twenty thousand dollars or so much thereof as may be necessary.

Pensions.

For the adjutant general, for the payment of pensions to members of the National Guard and Naval Militia and pay and care for the same when injured or disabled in service, pursuant to sections one hundred and twenty-nine and one hundred and thirty-two, chapter five hundred and fifty-nine, laws of eighteen hundred and ninety-three, and the acts amendatory thereof, and for payment of expenses and examinations of claims for pensions under said act, the sum of six thousand dollars, or so much thereof as may be necessary.

State armory, Olean.

For the adjutant-general, for completing the armory, the grading of grounds and construction of granolithic walks at the

state armory at Olean, New York, the sum of six hundred and twenty-five dollars.

For the adjutant-general, to make good the deficiency now existing for replacing uniforms, overcoats, trousers, blouses, blankets and equipment worn out in service and to complete the necessary equipment for field service and medical outfit, to be expended as provided by the military code, the sum of one hundred and twenty-five thousand dollars, or so much thereof as may be necessary.

Uniforms and equipments.

For the adjutant-general, for services and necessary traveling expenses in prosecuting war claims of the state against the United States, under his direction, six thousand dollars, or so much thereof as may be necessary, to be approved by the governor as commander-in-chief.

Prosecution of war claims.

For the acquisition of a piece of land about sixty-six feet front and one hundred and twenty-five feet deep, located on the east side of Academy street, in the village of Oneonta, for the use of the state armory in such village, the sum of three thousand dollars, or so much thereof as may be necessary, and the adjutant-general, inspector-general and chief of ordnance, who are appointed a commission for the purposes hereof, are hereby authorized to acquire such lands for and in the name of the state by purchase or condemnation, the title to which shall be approved by the attorney-general.

Armory at Oneonta.

The sum of seven thousand seven hundred fifty dollars and eleven cents, being the unexpended balance of appropriation of twenty thousand dollars made by chapter nine hundred and fifty of the laws of eighteen hundred and ninety-six for repairs, improvements and betterments of the state arsenals, armories, state camp and rifle ranges, at Creedmoor and throughout the state, is hereby reappropriated for the same purposes.

Repairs of arsenals and armories.

For D. W. Barnes and Son, for rebate on their contract of August tenth, eighteen hundred and ninety-five, for repairs of Auburn armory by reason of the loss of old material of two-thirds of two stores, and of building necessarily left standing, and for repairing roof over said stores, the sum of three hundred and seventy-nine dollars and four cents, or so much thereof as may be necessary, to be paid on the certificate of the armory commission.

D. W. Barnes & Son.

NAVAL MILITIA.

Expenses
of naval
militia.

For the naval militia, for expenses in coast defense and for chartering tugs or other vessels, twelve thousand nine hundred and twenty-seven dollars and fifty cents; for uniforming the Second Battalion and special or engineers' divisions and other organizations, and for other general expenses, twenty-two thousand seventy-two dollars and fifty cents, or so much thereof as may be necessary, such expenditures to be made on the approval of the commander-in-chief and audit of the comptroller.

INSPECTORS OF STEAM VESSELS.

Inspection
of steam
vessels.

For deficiency for inspectors of steam vessels until September thirtieth, eighteen hundred and ninety-eight, one thousand dollars.

NEW YORK STATE WOMAN'S RELIEF CORPS HOME.

Improve-
ments and
equipment
of building.

For the New York State Woman's Relief Corps Home, the following items, or so much thereof as may be necessary, for changing dining-room and kitchen to new building, fifteen hundred dollars; for equipment of new dormitory, two thousand dollars; for grading grounds, constructing walk and planting fruit trees, two thousand dollars; for bill of Casey and Chambers for plumbing, fourteen hundred forty-three dollars and forty-two cents.

GETTYSBURG AND CHATTANOOGA MONUMENTS
COMMISSIONERS.

Expenses
of board.

For the board of Gettysburg and Chattanooga monuments commissioners, the sum of seven thousand four hundred and sixty-six dollars for the payment of necessary engineers, surveyors, agents and employes for the battlefields of Gettysburg and Chattanooga, and for such other expenses as may be required for the work of said commission, including actual and necessary traveling and other contingent expenses incurred by said commissioners in the discharge of their duties, and for compensation of their services as provided for in section six of chapter three hundred and seventy-one of the laws of eighteen hundred and ninety-four, and the provisions of chapter two hundred and sixty-nine of the laws of eighteen hundred and eighty-seven.

Compensa-
tion.

MISCELLANEOUS.

Mrs. M. O.
Emmet.]

For Mrs. Mary Olyphant Emmet, widow of Hon. Richard Stockton Emmet, deceased, member of the assembly of eighteen hun-

dred and ninety-seven, balance of his salary unpaid, one thousand and forty-five dollars and eighty-seven cents.

For James B. Lyon, for printing and binding the history of the battle of Gettysburg, Pennsylvania, prepared by the New York commission on the battlefield monuments of Gettysburg, Pennsylvania, five thousand dollars, or so much thereof as may be necessary, to be paid on the certificate of the chairman of the commission, constituted by chapter three hundred and seventeen, laws of eighteen hundred and ninety-five, and after due audit by the comptroller.

For the employment of clergymen at the Willard State Hospital, the sum of one thousand dollars is hereby appropriated to be paid under the direction of the board of trustees from the appropriation made for the state care of the insane.

To Charles Z. Lincoln, in lieu of and in full of all expenses as a commissioner of statutory revision for the year beginning May first, eighteen hundred and ninety-eight, the sum of fifteen hundred dollars, payable in equal monthly installments.

For the clerk of the assembly, for engrossing resolutions ordered by the assembly of eighteen hundred and ninety-seven, five hundred dollars.

For the clerk of the assembly, for engrossing resolutions ordered by the assembly of eighteen hundred and ninety-eight, five hundred dollars, or so much thereof as may be necessary, to be paid upon the certificate of the clerk of the assembly.

For the clerks of the senate and assembly, for the use of the senate and assembly, for file boards, index clerk's books, committee books, stationery, printing, for revising the clerk's manual and books, and copies of codes for the use of the senate and assembly, judiciary and codes committees, thirteen thousand nine hundred and ninety-five dollars and fifty cents.

For advances by the comptroller to the clerks of the senate and assembly to pay expenses of receiving reports and printed documents from the several state departments, addressing and forwarding the same to members of senate and assembly, forty five hundred dollars; or so much thereof as may be necessary. Such reports and documents shall be delivered by the printer to the document departments of the senate and assembly in the proportion to which such departments are respectively entitled.

For an addition to the grounds of the state normal school at Geneseo, including buildings and necessary structures now erected thereon, and for improving said additional grounds, the sum of six

thousand dollars, or so much thereof as may be necessary, to be paid by the treasurer upon the warrant of the comptroller, issued for accounts approved by the superintendent of public instruction.

Water-closets in capitol.

The following sums are hereby appropriated for the persons and firms and corporations respectively named, for labor performed and material furnished for constructing new assembly water-closets and altering old closet-room for an additional room for the court of appeals:

For Charles E. Walsh, nine thousand five hundred and five dollars and thirty-eight cents; for Barnes and Payton, seven hundred and twelve dollars; for the Argus Company, three dollars and seventy-five cents; for the Journal Company, six dollars and fifty cents; for the Times-Union, ten dollars and fifty cents; for Albany Morning Express, six dollars and fifty cents; for Charles E. Filkins, four hundred and thirty-eight dollars.

Repairs to assembly library, etc.

The following sums are hereby appropriated for the persons and firms and corporations respectively named, for labor performed and material furnished for repairs to the assembly library, new mezzanine floor, and other repairs.

For Feeney and Sheehan, four thousand, two hundred and sixteen dollars and fifty-six cents; for Wooster Furniture Company, fifteen hundred and sixty dollars; for George Keneston, two hundred and eight dollars and ninety cents; for A. B. Van Gaasbeek, four hundred and seventeen dollars and forty-one cents; for Barnes and Payton, three hundred and forty-eight dollars and fifty-nine cents.

Onondaga salt springs.

For the salary of superintendent, compensation of clerks and other persons employed, and necessary expenses of the Onondaga salt springs, twenty thousand dollars, pursuant to chapter two hundred and sixty-one of the laws of eighteen hundred and ninety-seven.

William Thomas.

For William Thomas for services as stenographer for the Senate during the session of eighteen hundred and ninety-eight, one hundred dollars.

J. D. Taylor.

For extra services of J. D. Taylor, acting stenographer to the speaker of the assembly for the session of eighteen hundred and ninety-seven and eighteen hundred and ninety-eight, the sum of one hundred and seventy-five dollars.

Pasteur institute.

For the care and treatment of indigent residents of the state of New York at the Pasteur institute of The City of New York, at the rate of two hundred dollars for each patient so cared for and treated, the sum of six thousand dollars, or so much thereof as

may be necessary, to be paid upon the rendering of the accounts duly certified and after due audit by the comptroller

Swart Murphy, stenographer to the committee on taxation and retrenchment, four hundred and twenty-five dollars. Swart Murphy.

For Caroline Austin Sickels, widow of the late Hiram E. Sickels, reporter of the court of appeals, who died July four, eighteen hundred and ninety-five, so much of the annual compensation of said reporter for the year eighteen hundred and ninety-five as would have been earned by him had he continued to live until the close of that year, the sum of two thousand four hundred and forty-five dollars and twenty cents. C. A. Sickels.

The sum of fifteen thousand dollars is hereby appropriated for the expenses of the commissioners appointed by the governor to investigate the expenditure of the nine million dollar canal appropriation, or so much thereof as may be necessary. Canal investigating commission.

For the faculty of the medical department of the university of Buffalo, for the equipment and maintenance of a laboratory to be devoted to an investigation into the causes, nature, mortality rate and treatment of cancer; and the salaries of officials of the same, ten thousand dollars; same to be paid upon vouchers officially signed by the director of said laboratory, or, in his absence, by the secretary and treasurer of the faculty. University of Buffalo.

For the salary of the custodian of the Grant cottage, as provided by chapter six hundred and sixty-seven of the laws of eighteen hundred and ninety-six, the sum of one thousand dollars. For repairs to the Grant cottage, situate on Mount McGregor, the sum of three hundred dollars. Grant cottage.

For the board of examiners of improved firearms for the use of the military of this state, for expenses and disbursements, the sum of fifty dollars, or so much thereof as may be necessary, in pursuance of chapter six hundred, and of the laws of eighteen hundred and ninety-five and chapter one hundred and ninety-seven of the laws of eighteen hundred and ninety-six. Board of examiners of firearms.

For the stenographer of the senate finance committee, the sum of six hundred dollars. Stenographer senate committee.

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PAYABLE FROM THE FREE SCHOOL FUND.

For the maintenance of summer institutes in accordance with the provisions of chapter one hundred and fifty-six of the laws of Summer institutes.

eighteen hundred and ninety-six, the sum of ten thousand dollars, or so much thereof as may be necessary.

County
treasurers'
fees for
disbursing
school tax.

For the state superintendent of public instruction for the payment of fees of county treasurers for receiving and disbursing the state school tax for the years eighteen hundred and ninety-seven and eighteen hundred and ninety-eight, the sum of twenty thousand dollars, or so much thereof as may be necessary.

Instruction
in natural
history,
etc.

For the American Museum of Natural History in The City of New York for continuing the instruction of natural history, geography and kindred subjects to the several state normal schools, the normal college of The City of New York, the training school for teachers in the city of Brooklyn, the teachers' institute in the different counties of the state, and to the teachers in the common schools of The City of New York, Brooklyn and vicinity, as per contract entered into between the state superintendent of public instruction and the American Museum of Natural History of The City of New York as authorized by chapter ninety-seven of the laws of eighteen hundred and ninety-seven, eighteen thousand dollars.

Teachers'
classes in
schools.

For the purpose of complying with the provisions of chapter ten hundred and thirty-one of the laws of eighteen hundred and ninety-five, as amended by chapter six hundred and forty-six of the laws of eighteen hundred and ninety-six, the sum of thirty thousand dollars, or so much thereof as may be necessary.

Managers,
etc., not to
be inter-
ested,

No manager, trustee or other officer of any state, charitable or other institution receiving moneys under this act from the state treasury for maintenance and support shall be individually interested in any purchase, sale or contract made by any officer for any of said institutions.

Deposit of
funds in
bank.

All institutions receiving moneys under this act from the state treasury for maintenance, in whole or in part, shall deposit all their funds in some responsible bank, banks or banking-house, in pursuance of the provisions of chapter three hundred and twenty-six of the laws of eighteen hundred and eighty, and the comptroller, in addition to the liability of said bank, shall require for all such funds so deposited, the bond of said bank, with such good and sufficient sureties, to be approved by him as to form and amount as he shall deem necessary, and all state institutions and departments, except charitable institutions, reformatories, houses of refuge and state industrial schools, shall pay into the treasury,

Quarterly
payments
into treas-
ury.

quarterly, all receipts and earnings other than receipts from the state treasury.

All charitable institutions, reformatories, houses of refuge and the state industrial school, receiving moneys under this act, shall file with the comptroller on or before the twentieth of October of each year, a certified inventory of all articles of maintenance on hand at the close of the preceding year, naming in such inventory the kind and amount of such articles of maintenance. Annual inventory to be filed.

The comptroller is hereby authorized and empowered to devise a form of accounts to be observed in every state charitable institution, reformatory, houses of refuge, state industrial school, or department receiving moneys under this act, which shall be accepted and followed by such institutions and departments after thirty days' notice thereof has been submitted to them by the comptroller, and such form of accounts shall include such a uniform method of bookkeeping, filing and rendering of accounts as may insure a uniform mention of purchase of like articles whether by weight, measure or otherwise, as the interest of the public service requires. Such form shall also include a uniform rate of allowance in reporting in such institutions and departments, the amount in value of all produce and other articles of maintenance raised upon lands of state, and which may enter into the maintenance of such institutions or departments. Form of account.

It shall be the duty of the clerk or bookkeeper in each state charitable institution, reformatory, houses of refuge, state industrial schools or any state department receiving moneys under this act, to receive and examine all articles purchased by the proper officer or received or the maintenance thereof, to compare them with the bill therefor, to ascertain whether they correspond in weight, quantity and quality, and to inspect the supplies thus received; and the said clerk or bookkeeper shall also enter each bill of goods thus received in the book of the institution or department in which he is employed at the time of the receipt of the articles; and if any discrepancy is found between such bill and the articles received, he shall make a note thereof, whether it be in weight, quality or quantity, and no goods or other articles of purchase, or farm or garden production of lands of the institution, shall be received unless an entry thereof be made in the book of accounts of the institution, with the proper bill, invoice or mention, according to the form of account and record prescribed by the comptroller. Duty of clerk or bookkeeper of institution.

Accounts
for repairs.

In accounts for repairs or new work provided for in this act the name of each workman, the number of days he is employed, and the rate and amount of wages paid to him shall be given. If contracts are made for repairs or new work, or for supplies, a duplicate thereof, with specifications, shall be filed with the comptroller.

Advances
for repairs,
etc.

Moneys herein appropriated for the repair, improving, furnishing or building of state institutions or for the purchase or improvement of the grounds thereof, shall only be advanced to the several boards of managers of state institutions as the work progresses or the purchase is made and upon bills duly certified, rendered and audited.

Chap. 607.

AN ACT making appropriations for certain expenses of government and supplying deficiencies in former appropriations.

Became a law, April 29, 1898, with the approval of the Governor.

Passed by a two-thirds vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Payments
by treas-
urer.

Section 1. The treasurer shall pay on the warrant of the comptroller, from the several funds specified, to the persons and for the objects indicated in this act, the amounts named or such parts of those amounts as shall be sufficient to accomplish, in full, the purposes designated by the appropriations, but no warrants shall be issued, except in cases of salaries, until the amounts claimed shall have been audited and allowed by the comptroller, who is hereby authorized to determine the same.

Audit of
accounts.

Verified
statements.

The persons demanding payment shall present to him a detailed statement, in items, verified by affidavit; and if the account shall be for services it must show when, where and under what authority they were rendered; if for expenditures, when, where and under what authority they were made; if for articles furnished, when and where they were furnished, to whom they were delivered, and under what authority; and if the demand be for traveling expenses, the account must also specify the distance traveled, the place of starting and destination, the duty or business and the date and items of expenditure. On all accounts

Certified
bills to be
furnished.

for transportation, furniture, blank and other books furnished for the use of officers, binding, blanks, printing, stationery and postage, a bill duly certified must be furnished; but whenever an appropriation shall have been provided otherwise, the sum herein directed to be paid shall not be considered as an addition to such other appropriation unless it shall be expressly so declared in this act.

Mark J. Lowenthal for his legal and other necessary expenses ^{M. J. Lowenthal} incurred by him in the matter of election contest for his seat in the assembly for eighteen hundred and ninety-eight as member of the assembly for the Twenty-third assembly district of New York county for his costs, fees and disbursements in the matter of such contest, the sum of two thousand five hundred dollars.

Samuel M. Hubbard for his legal and other expenses incurred ^{S. M. Hubbard} by him in the matter of election contest for his seat in the assembly for eighteen hundred and ninety-eight as member of the assembly for the tenth assembly district of Kings county for his costs, fees and disbursements in the matter of such contest, the sum of fifteen hundred dollars.

Nathaniel A. Elsberg for counsel fees and other necessary ^{N. A. Elsberg} expenses as counsel for the committee on privileges and elections of the assembly of eighteen hundred and ninety-eight in the matter of the contest for the seat in the assembly of eighteen hundred and ninety-eight of Mark J. Lowenthal, the sum of one thousand dollars.

For the Rome State Custodial Asylum, to be expended under ^{Rome custodial asylum.} the direction of the board of managers of said asylum, for painting, repairs and betterments to present building, five thousand dollars.

For the completion of the Monroe avenue bridge over the Erie ^{Bridge at Rochester.} canal, in the city of Rochester, the sum of four thousand dollars additional.

For installing a suitable electric light plant at the second ^{Electric light plant at Charlotte harbor.} separate naval division armory, naval militia, state of New York, at Charlotte harbor, and for completing dredging and for the purchase of a navy standard signaling set, the sum of six thousand dollars, to be expended under the direction of the adjutant-general.

For the superintendent of insurance, who shall cause to be ^{Compilation of insurance laws.} prepared and published, in whatever way he shall deem to be for

the best interests of the state, a compilation and digest of the reports of the superintendents of insurance since the last compilation and digest was made, to date, the sum of seventy-five hundred dollars.

Suppression of bovine tuberculosis.

For the purpose of complying with the provisions of article four of chapter six hundred and sixty-one of the laws of eighteen hundred and ninety-three, relating to the suppression of bovine tuberculosis, as amended by chapter six hundred and ninety-four of the laws of eighteen hundred and ninety-four and chapter ten hundred and thirteen of the laws of eighteen hundred and ninety-five, the sum of ten thousand dollars.

Indices, etc., to assembly bills, etc.

For the preparation of supplementary indices of assembly bills, journals and documents, the sum of one thousand dollars, to be paid by the comptroller on the certificate of the speaker of the assembly.

Improvement of highways.

For carrying out the provisions of chapter one hundred and fifteen of the laws of eighteen hundred and ninety-eight, the sum of fifty thousand dollars.

Palisade commissioners.

The sum of five hundred and thirty-seven dollars and forty-four cents, balance unexpended of a former appropriation, is hereby reappropriated for the palisade commissioners to use in pursuance of chapter ninety-seven of the laws of eighteen hundred and ninety-five.

Southeast pavilion of capitol.

For finishing and furnishing the southeast pavilion on the fifth floor of the capitol, including plumbing and gas fixtures and necessary cabinets, five thousand dollars, or as much thereof as is necessary.

Secretary of state.

For the secretary of state for supplying election and other officials designated in section nineteen of the election law, a copy of the compilation of the election laws, with the amendments to said law passed in eighteen hundred and ninety-eight, and for indexing and compiling a manual of the primary laws of eighteen hundred and ninety-eight, and printing a sufficient number thereof to furnish each primary official in the cities affected by said law and the political county committees in such cities with a copy of said act, the sum of seven thousand dollars, or so much thereof as may be necessary.

Election and primary law compilations.

Catalogue of records.

For the secretary of state, for the printing of a catalogue of the records of the secretary of state's office, the sum of one thousand dollars, or so much thereof as may be necessary.

To the superintendent of public buildings, for refurnishing, re-fitting, decorating and making the necessary repairs to the room of the clerk of the senate, the sum of one thousand dollars, the same to be paid by the comptroller upon the certificate of the clerk of the senate.

Repairs to room of clerk of senate.

For the civil service commission, for deficiency in the annual appropriation, for the expense of examinations, clerk hire and office expenses, five thousand dollars.

Civil service commission

For Solomon C. Weill, for his legal and other necessary expenses incurred by him in the matter of election contest for his seat in the assembly for eighteen hundred and ninety-eight, as member of assembly for the nineteenth assembly district of New York county, state of New York, for his costs, fees and disbursements in the matter of such contest, the sum of two thousand dollars.

S. C. Weill.

For the superintendent of state prisons, for clerk hire and office expenses for the fiscal year beginning October first, eighteen hundred and ninety-eight, the sum of three thousand dollars.

Superintendent of state prisons.

For the payment of the necessary force of clerks and draughtsmen in the office of the capitol commissioner upon the work imposed upon such commissioner by law, the sum of twenty thousand dollars, or so much thereof as may be necessary.

Clerks, etc., of capitol commissioner.

To the comptroller, under chapter three hundred and eighteen of the laws of eighteen hundred and seventy-six, to pay for insurance on the Third Judicial District Law Library, at Kingston, New York, the sum of three hundred seventy-seven dollars and eighty-eight cents, to be paid by the comptroller on the certificate of the justice of the supreme court residing at Kingston, New York.

Insurance on law library, Kingston.

For the relief and expenses of the Volunteer Life Saving Corps of the state of New York (inland waters), the sum of four thousand dollars, to be paid on the audit of the comptroller.

Volunteer life saving corps.

For the secretary of state, the sum of fifty dollars for the purchase and replacing of session laws destroyed by fire for the office of the town clerk of the town of Sherburne.

Law books for Sherburne.

The sum of seven hundred and fifty dollars, or so much of said sum as may be audited and certified by the comptroller, state engineer and surveyor and superintendent of banks for balance due on account of work and repairs to the state house.

State house.

For Lawrence Keenan, the sum of four thousand five hundred

Lawrence Keenan.

dollars to purchase the two-story brick building and land situated at and adjoining the Kings county farm, for the use of the Long Island State Hospital, which amount was appropriated by chapter nine hundred and fifty of the laws of eighteen hundred and ninety-six, and is hereby reappropriated.

E. J.
Wells.

For Eugene J. Wells, for extra clerical service in office of financial clerk of the assembly, the sum of two hundred and fifty dollars.

Capitol
paymaster.

For salary of capitol paymaster for months of October, November and December, eighteen hundred and ninety-eight, six hundred and twenty-five dollars.

Clerk of
senate.

For additional contingent expenses for the clerk of the senate for the year eighteen hundred and ninety-eight, the sum of three thousand dollars.

Deaf-mute
journal.

For supplying the deaf-mute journal for the indigent deaf and dumb of this state, the sum of six hundred and fifty dollars.

State
armory,
Newburgh.

The sum of four thousand one hundred and seventy dollars, being the unexpended balance of appropriation made by chapter nine hundred and forty-nine of the laws of eighteen hundred and ninety-six, is hereby reappropriated for repairs to the state armory at Newburg.

Matteawan
hospital.

The unexpended balance of eight hundred and thirty-four dollars and forty-nine cents heretofore appropriated by chapter one thousand and nine of the laws of eighteen hundred and ninety-five for the Matteawan State Hospital for the construction of a brick wall in airing courts, is hereby reappropriated, to be expended under the direction of the superintendent of state prisons for repointing walls.

Commis-
sioners of
exposition
at Omaha.

For the commissioners appointed by the governor to represent the state of New York at the Trans-Mississippi and International Exposition to be held in Omaha, state of Nebraska, for clerical assistants and office facilities and the furnishing and maintenance during the exhibition of a building or room for the state exhibit, the sum of seven thousand five hundred dollars, or so much thereof as may be necessary, said amount to be paid upon the requisition of the president and secretary of the commission in such sums as shall be approved by the comptroller, and to be accounted for by verified vouchers. The members of the commission shall receive no compensation for their services and shall make a report of its proceedings within three months of the close of the exhibition, to the governor, and by him transmitted to the legislature.

For J. Rider Cady, for legal services and disbursements incurred pursuant to order of the board of managers of the House of Refuge for Women at Hudson, during the months of June, July, August and September, eighteen hundred and ninety-seven, in the matter of the appeal of the People of the State of New York on the relation of W. M. K. Olcott, district attorney of the county of New York, appellants, against the House of Refuge at Hudson, the sum of one hundred seventy-seven dollars and fifteen cents, to be paid after due audit by the comptroller. J. R. Cady.

For James H. Hogan, the sum of three hundred dollars for assisting in preparing the indices to the assembly journal, documents and bills of eighteen hundred and ninety-seven and eighteen hundred and ninety-eight. J. H. Hogan.

For the comptroller, for the salaries and expenses of the two pool tax examiners appointed by the governor to examine the books of the racing associations of the state, five thousand dollars. Pool tax commissioners.

The sum of three thousand dollars for mortuary building, including laboratory, appropriated for the use of the Craig Colony for Epileptics by chapter one hundred and seventy-one of the laws of eighteen hundred and ninety-six, is hereby reappropriated for said purpose of said institution, to be expended in the manner provided by law. Craig colony.

For the superintendent of public works, for enlarging the existing spillway in the Cuba reservoir, Allegany county, two thousand dollars. Cuba reservoir.

For F. L. and J. C. Olmsted, the sum of two thousand three hundred and twenty dollars and thirty-five cents, for unpaid balance due on contract for professional services at the Craig Colony for Epileptics. F. L. & J. C. Olmsted.

For the New York and Lake Champlain Transportation Company, for balance due said company, for franchise taxes erroneously paid by it, as appears from its account therefor as heretofore resettled by the comptroller, the sum of three thousand six hundred forty-three dollars and seven cents. New York and Lake Champlain Transportation Co.

The following sums are hereby appropriated respectively for the companies named, the same being rebates granted on account of taxes collected from said companies which could not have been lawfully demanded, and are hereby refunded to said companies. Also for legal costs due two of said companies, which amounts shall be payment in full of all claims against the state: The Washington Mills Company of New York city, two hundred and Rebates to corporations.

twenty-five dollars; Standard Wood Company, of New York city, including costs, four hundred seventy-eight dollars and thirty-six cents; Lembeck and Metz, Eagle Brewing Company, of Jersey City, New Jersey, including costs, seven hundred and six dollars and twenty-three cents.

Northern
New York
Institution
for deaf-
mutes.

The sum of five thousand, six hundred and ninety-one dollars and ninety-two cents, being the unexpended balance of the appropriation of eight thousand six hundred and thirty-two dollars and sixty-five cents, as provided for by chapter five hundred and ninety-two of the laws of eighteen hundred and ninety-five, is hereby re-appropriated to the Northern New York Institution for Deaf Mutes, for the purposes mentioned in section one of said act.

Clerk of
assembly.

For additional contingent expenses for the clerk of the assembly, for the year eighteen hundred and ninety-eight, the sum of twelve thousand dollars.

Health
officer port
of New
York.

For the health officer of the port of New York, for the expenses and maintenance and repairs of quarantine station on Fire Island, and for the salaries of the superintendent, watchman and other employes during the year eighteen hundred and ninety-seven, the sum of five thousand dollars.

Mrs. Ella
Smith.

For Mrs. Ella Smith, widow of Thomas Smith, deceased, who was a member of the assembly of eighteen hundred and ninety-eight for the fifteenth assembly district of New York county, the sum of fifteen hundred and thirty dollars, being the amount of his salary and mileage unpaid, to be paid from the legislative appropriation for the year eighteen hundred and ninety-eight.

Soldiers
and sailors'
home.

For the New York State Soldiers' and Sailors' Home, the sum of seventy-eight thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the treasury not otherwise appropriated, for the following uses and purposes: For constructing and equipping new barracks for providing and equipping additional hospital accommodations for constructing a cold storage system quartermaster store and kitchen.

Plans for
buildings.

Such buildings and improvements shall be erected and constructed in accordance with plans and specifications prepared by the capitol commissioner, the work to be done by contract, and let to the lowest responsible bidder, who shall give bonds for the prompt

Contracts
for work.

and faithful performance of the same. Bids for the work shall be advertised for, in at least two daily newspapers, one of each political party in the counties of Steuben, Chemung and Monroe, daily for the period of ten days, and the board of trustees shall

name a day when such bids shall be received and opened in the presence of the bidders, not later than June fifteenth, eighteen hundred and ninety-eight, and the successful bidder shall agree to complete his work on or before November first, eighteen hundred and ninety-eight. The contracts shall be subject to the approval of the comptroller in compliance with article four of the public buildings law. Upon the certificate of the architect, signed by the board of trustees, the comptroller shall draw his warrant upon the treasurer in favor of the treasurer of the Soldiers' Home for eighty-five per centum of the value of the material and work delivered and completed monthly, as the work progresses, the same to be paid to the contractor or contractors, and the balance upon the satisfactory completion of the work.

Payments
by comp-
troller.

For the superintendent of public works, for completing the work of improving the channel of Newtown creek, in the town of Horseheads, county of Chemung, the sum of five thousand dollars. The work commenced pursuant to act, chapter nine hundred and forty-nine of the laws of eighteen hundred and ninety-six, and act, chapter seven hundred and ninety-one of the laws of eighteen hundred and ninety-seven, to be completed upon plans and specifications prepared and furnished by the state engineer and surveyor, and all of said work, so far as practicable, to be done by contract.

Improve-
ment of
Newtown
creek.

For the board of electrical control in and for the city of New York, for the services and expenses of the commissioners thereof, from October first to December thirty-first, eighteen hundred and ninety-seven, eleven thousand two hundred and fifty dollars, in lieu of the appropriation of forty-five thousand dollars, for the services and expenses of the said board as provided in chapter seven hundred and ninety of the laws of eighteen hundred and ninety-seven.

Board of
electrical
control.

For Henry L. Woodward, in full for services and expenses as examining attorney, for the session of the legislature of eighteen hundred and ninety-eight, three thousand two hundred dollars.

H. L.
Woodward.

For the preparation of supplementary indices of senate bills, journals and documents, the sum of seven hundred and fifty dollars, to be paid by the comptroller on the certificate of the president of the senate.

Indices of
senate
bills, etc.

For the care, maintenance, repairs and improvement of the Saratoga monument, and the grounds connected therewith, to be ex-

Saratoga
monument.

pended under the supervision of the comptroller, pursuant to the provisions of chapter five hundred and fifty-five of the laws of eighteen hundred and ninety-five, the sum of one thousand dollars, or so much thereof as may be necessary.

J. H.
Kemble.

For John H. Kemble, for services as counsel to special investigation committee in the matter of the investigation of the civil service of the state of New York, one thousand dollars.

Clerk's
manual.

For the clerk of the assembly, for his services and disbursements for revising blanks and indices, preparation and printing of committee clerk's manual, under and pursuant to resolution of the assembly adopted April twenty-fourth, eighteen hundred and ninety-seven, the sum of two thousand and seventy-eight dollars.

Capitol
and execu-
tive man-
sion.

For rebuilding walls and reconstructing portions of the boiler-house, for resetting and repairing boilers, for new coils and repairs to heating apparatus, for extra fuel, for additional lights, for lighting and electric wiring at the capitol and executive mansion, the sum of forty thousand, six hundred and eighty-eight dollars and ninety-three cents, or so much thereof as may be necessary.

Odd Fel-
lows Asso-
ciation of
Piqua.

For the Odd Fellows Mutual Aid and Accident Association of Piqua, Ohio, for refund of taxes collected in eighteen hundred and ninety-four, the sum of eight hundred forty-two dollars and twenty-seven cents.

Masonic
Association
of Clevel-
land.

For the Masonic Mutual Life Association of Cleveland, Ohio, for taxes collected in eighteen hundred and ninety-four, the sum of seven hundred thirty dollars and eighty-six cents.

House of
refuge,
Hudson.

House of Refuge at Hudson, for repairs to cottages and hospital building, including steam-heating boilers therefor and all expenses of setting and connecting the same, and plumbing, and for repairing boiler-house and steam plant therein and connections with main building, five thousand dollars, or so much thereof as may be necessary.

Legislative
printing.

For deficiency in appropriation for the legislative printing of the state, including binding, mapping, lithographing and engraving, seventy-five thousand dollars, or so-much thereof as may be necessary.

Certain
printing
legalized.

For printing three thousand copies of the report and proceedings of the joint committee to investigate trusts; for printing twenty-five hundred copies of the third annual report of commissioners of agriculture; for printing eighteen hundred copies of the annual report of the state commission in lunacy; for printing one thousand copies of assembly bill number sixty-six, entitled "An

act to amend chapter nine hundred and nine of the laws of eighteen hundred and ninety-six in relation to elections," as ordered by resolution of the assembly, passed January fourteenth, eighteen hundred and ninety-eight; for printing one thousand copies of assembly bill number thirty-six, entitled "An act to amend chapter nine hundred and nine of the laws of eighteen hundred and ninety-six," designated as the election law, as ordered by resolution of the assembly passed January twenty-six, eighteen hundred and ninety-eight; for printing one thousand copies of assembly bill number one hundred and forty-five, entitled "An act to amend the town law and the election law relating to town meetings and the election of officers," as ordered by resolution of the assembly, February second, eighteen hundred and ninety-eight; for printing five thousand copies of the senate bill in relation to enrollment for political parties, primary elections, conventions and political committees as ordered by resolution in the senate, passed March twenty-ninth, eighteen hundred and ninety-eight; for printing two thousand copies of assembly bill seventeen hundred and six, entitled "An act for the government of cities of the second class" as ordered by resolution of the senate, passed March twenty-ninth, eighteen hundred and ninety-eight; for printing in German three thousand copies of the bill in relation to enrollment of political parties, primary elections, conventions and political committees, as ordered by resolution of the assembly, passed March twenty-ninth, eighteen hundred and ninety-eight; for printing five thousand copies of the memorial proceedings in relation to the death of Hon. Joseph Mullin, as ordered by concurrent resolution passed March twenty-ninth, eighteen hundred and ninety-eight; for printing in addition to the number of bills required to be printed by the seventh joint rule during the session of eighteen hundred and ninety-seven, two hundred and sixty copies of all senate and assembly bills, as ordered by the clerks of the two houses, and the necessary binding and engraving therefor, are hereby legalized and confirmed and shall have the same force and effect as if the work therein ordered had been ordered by acts of the legislature or by statute, and such printing, binding and engraving shall be deemed to have been ordered pursuant to acts of the legislature; and for the deficiency in the printing of twenty-five thousand copies of the report of the commissioners of the state or New York at the Cotton States and International Exposition at At-

Deficiency
in printing
certain
report.

Payment
by comp-
troller.

lanta, Georgia, which were ordered pursuant to chapter six hundred and forty-nine of the laws of eighteen hundred and ninety-six, the sum of twenty-five thousand dollars, or so much thereof as may be necessary, the same to be paid after due audit by the comptroller, in accordance with the contract rate prices fixed therefor in the contract for legislative printing for the years in which such printing was done, and the amounts so audited and allowed shall be paid upon filing of the proper receipts in full for said items.

PAYABLE FROM THE FREE SCHOOL FUND.

Normal
schools.

For the state superintendent of public instruction, for deficiency in the support and maintenance of the several state normal and training schools, the sum of five thousand dollars, payable upon bills to be audited by him.

Teachers'
institutes.

For the payment of deficiency for the maintenance of teachers' institutes, pursuant to chapter five hundred and fifty-six of the laws of eighteen hundred and ninety-four, and for the preparation of question papers and the supervision of examinations for state certificates and commissioners, uniform certificates by institute conductors, five thousand dollars.

Examina-
tions and
certifi-
cates.

Expenses
of patriotic
instruc-
tion.

For the state department of public instruction, for defraying the expenses of the promotion of patriotic instruction in the common schools of the state of New York, in accordance with the recommendations of the special committee appointed by the state department of the Grand Army of the Republic, under the direction of the state superintendent, the sum of three thousand dollars, payable out of the free school fund, upon the warrant of the comptroller, upon bills approved by the superintendent.

Managers,
etc., not to
be inter-
ested.

No manager, trustee or other officer of any state, charitable or other institution receiving moneys under this act from the state treasury for maintenance and support shall be individually interested in any purchase, sale or contract made by any officer for any of said institutions.

Deposit of
funds in
bank.

All institutions receiving moneys under this act from the state treasury for maintenance, in whole or in part, shall deposit all their funds in some responsible bank, banks or banking-house, in pursuance of the provisions of chapter three hundred and twenty-six of the laws of eighteen hundred and eighty, and the comptroller, in addition to the liability of said bank, shall require for all such funds so deposited the bond of said bank, with such good and sufficient sureties, to be approved by him as to form and amount as he shall deem necessary, and all state

institutions and departments, except charitable institutions, reformatories, houses of refuge and state industrial schools shall pay into the treasury, quarterly all receipts and earnings other than receipts from the state treasury.

All charitable institutions, reformatories, houses of refuge and the State Industrial School, receiving moneys under this act, shall file with the comptroller on or before the twentieth of October of each year, a certified inventory of all articles of maintenance on hand at the close of the preceding year, naming in such inventory the kind and amount of such articles of maintenance.

Annual
inventory
of prop-
erty.

The comptroller is hereby authorized and empowered to devise a form of accounts to be observed in every state charitable institution, reformatory, houses of refuge, state industrial school, or department receiving moneys under this act, which shall be accepted and followed by such institutions and departments after thirty days' notice thereof has been submitted to them by the comptroller, and such form of accounts shall include such a uniform method of bookkeeping, filing and rendering of accounts as may insure a uniform mention of purchase of like articles, whether by weight, measure or otherwise as the interest of the public service requires. Such form shall also include a uniform rate of allowance in reporting in such institutions and departments, the amount in value of all produce and other articles of maintenance raised upon lands of state, and which may enter into the maintenance of such institutions or departments.

Form of
accounts.

It shall be the duty of the clerk or bookkeeper in each state charitable institution, reformatory, houses of refuge, state industrial schools or any state department receiving moneys under this act, to receive and examine all articles purchased by the proper officer or received or the maintenance thereof, to compare them with the bill therefor, to ascertain whether they correspond in weight, quantity and quality, and to inspect the supplies thus received; and the said clerk or bookkeeper shall also enter each bill of goods thus received in the book of the institution or department in which he is employed at the time of the receipt of the articles; and if any discrepancy is found between such bill and the articles received, he shall make a note thereof, whether it be in weight, quality or quantity, and no goods or other articles of purchase or farm or garden production of lands of the institution, shall be received unless an entry thereof be made in the book of accounts of the institution, with the proper bill, invoice or mention, accord-

Duty of
clerk, etc.,
of institu-
tions.

ing to the form of accounts and record prescribed by the comptroller.

Accounts
for work.

In accounts for repairs or new work provided for in this act the name of each workman, the number of days he is employed and the rate and amount of wages paid to him shall be given. If contracts are made for repairs or new work, or for supplies, a duplicate thereof, with specifications shall be filed with the comptroller.

Advances
for im-
provements.

Moneys herein appropriated for the repair, improving, furnishing or building of state institutions or for the purchase or improvement of the grounds thereof, shall only be advanced to the several boards of managers of state institutions as the work progresses or the purchase is made and upon bills duly certified, rendered and audited.

Chap. 608.

AN ACT to provide ways and means for the support of government.

Became a law April 29, 1898, with the approval of the Governor.
Passed by a two-thirds vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

State tax
levy.

Section 1. There shall be imposed for the fiscal year beginning on the first day of October, eighteen hundred and ninety-eight, on each dollar of real and personal property of this state, subject to taxation, taxes for the purposes hereinafter mentioned, which taxes shall be assessed, levied and collected by the annual assessment and collection of taxes of that year, in the manner prescribed by law, and shall be paid by the several county treasurers into the treasury of this state, to be held by the treasurer, to be applied to the purposes specified, that is to say: For the canal fund, for the payment of appropriations for those objects and work on the canals of this state, which are not included in the appropriation for the maintenance thereof during said fiscal year, four one-hundredths of a mill; for the canal fund, for the annual contribution to the canal debt sinking fund, pursuant to chapter seventy-nine, laws of eighteen hundred and ninety-five, thirteen one-hundredths of a mill; for the free school fund, for the payment of those claims and demands which shall constitute a lawful charge upon that fund during said fiscal year, eighty-four one-hundredths of a mill.

Canal
fund.

Free school
fund.

§ 2. This act shall take effect immediately.

Chap. 609.

AN ACT making an appropriation to provide means to clean out and improve the west branch of the Eighteen Mile creek, in the towns of Lockport and Newfane, in the county of Niagara.

Became a law April 29, 1898, with the approval of the Governor.
Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The sum of fifteen thousand dollars, or so much thereof as may be necessary, is hereby appropriated for the purpose of cleaning out and improving the west branch of the Eighteen Mile creek, and the main stream thereof to the intersection of the same with the north line of lot number three, of range seven, township fifteen, north of the Erie canal, in the towns of Lockport and Newfane, in the county of Niagara, so as to carry off the surplus waters of the Erie canal which flow into said creek, and to prevent the overflow of lands lying adjacent to said west branch and main stream of said Eighteen Mile creek north of the Erie canal, in said towns of Lockport and Newfane.

Appropriation for improvement of creek.

§ 2. The money hereby appropriated for purposes aforesaid shall be payable by the state treasurer on the warrant of the comptroller, to the superintendent of public works, to be expended by him for the purposes mentioned in section one of this act. All work called for by this act shall be done in accordance with plans, specifications and estimates prepared and approved by the state engineer and surveyor.

Payment.

Plans and specifications.

§ 3. This act shall take effect immediately.

Chap. 610.

AN ACT making an appropriation for repairing and completing the state armory at Auburn, and appointing a commission therefor.

Became a law April 29, 1898, with the approval of the Governor.
Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The sum of eight thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money

Appropriation for armory.

Expenditure by commission.

Contract for work.

Expense for plans, etc.

in the treasury, belonging to the general fund, not otherwise appropriated, for the purpose of repairing and completing the state street entrance to the armory at Auburn, to complete the rifle range and equip with electric wire the said armory, the same to be expended under the direction of the adjutant-general and inspector-general, and the chief of ordnance of this state (who are appointed a commission for that purpose) upon plans and specifications to be approved by such commission, and upon a contract or contracts for the work and materials therefor, to be entered into by the lowest responsible bidder or bidders therefor, after suitable advertisement therefor by such commission. The expense for plans and specifications and for printing notices and the necessary expenses of such commission therefor, shall be made out of the sum herein appropriated.

§ 2. This act shall take effect immediately.

Chap. 611.

AN ACT making an appropriation for building a bridge over the Erie canal at Erie street in the city of Buffalo.

Became a law April 29, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Erection of bridge.

Section 1. The superintendent of public works is hereby authorized and directed to cause a bridge to be erected over the Erie canal at Erie street in the city of Buffalo, in accordance with plans and specifications to be prepared therefor by the state engineer and surveyor.

Appropriation.

§ 2. The sum of twenty-seven thousand dollars, or so much thereof as may be necessary, is hereby appropriated from any money in the treasury not otherwise appropriated, for the purposes of this act, to be paid by the treasurer, on the warrant of the comptroller, to the order of the superintendent of public works, for the purpose specified. No part of the money hereby appropriated shall be available until after the execution of a contract by a responsible party to said superintendent of public works for the completion of said bridge at a cost within said appropriation and the filing of said contract with the comptroller.

Contract for work.

§ 3. This act shall take effect immediately.

Chap. 612.

AN ACT to confer jurisdiction upon the court of claims to hear, audit and determine the respective alleged claims of the state of New York against the F. H. Mills Company, of Elmira, New York, and of said company against the state to offset said claims, and render judgment for the excess.

Became a law April 29, 1898, with the approval of the Governor.
Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Jurisdiction is hereby conferred upon the court of claims to hear, audit and determine the respective alleged claims of the state of New York against the F. H. Mills Company, of Elmira, New York, and of said company against the state, by reason of all questions, matters and dealings arising under a contract entered into between the state of New York, represented by the board of managers and superintendent of the New York State Reformatory at Elmira, New York, and Fred H. Mills and Gustave Stickley, doing business under the firm name of F. H. Mills and Company, dated on or about the sixteenth day of February, eighteen hundred and ninety-three, the said F. H. Mills Company having succeeded to the interests and rights of F. H. Mills and Company aforesaid, of, in and to said contract, and all moneys due and to grow due thereunder; and to credit the state for all amounts to which it is entitled by reasons of the said questions, matters and dealings, also to credit the said F. H. Mills Company with all amounts to which it is entitled by reason of said questions, matters and dealings, and also with the value of the property of said company alleged to have been destroyed by fire originating within said reformatory enclosure in December, eighteen hundred and ninety-six. And in case the claims and counterclaims, as above, shall be established, then to offset said claims and counterclaims one against the other, and render judgment for the excess of the one over the other, in favor of the party entitled thereto.

§ 2. No award shall be made or judgment rendered herein against either party in favor of the other, unless the facts proved shall make out a case against such party which would create a liability, were the same established in evidence in a court of law or equity against an individual or corporation; and in case such

liability shall be satisfactorily established, then the court of claims shall award to and render judgment for the party entitled thereto for such sum as shall be just and equitable, notwithstanding the lapse of time since the accruing of said damages, provided the claim hereunder is filed with the court of claims within one year after the passage of this act.

§ 3. This act shall take effect immediately.

Chap. 613.

AN ACT relating to and to further amend chapter three hundred and thirty-nine of the laws of eighteen hundred and ninety-two, entitled "An act to regulate, improve and enlarge Park avenue above One Hundred and Sixth street in The City of New York, and providing for the passage of intersecting streets, under the railroad structure of the New York and Harlem Railroad Company, and for the elevation of said railroad structure, and for changing the grade of said railroad, and for the construction of a new railroad bridge at an increased elevation over the Harlem river, and providing for all changes in any avenues, streets or railroads that may be necessary by reason of such change in structure and grade and increased elevation of bridge, and for other purposes," as amended by chapter five hundred and forty-eight of the laws of eighteen hundred and ninety-four and by chapter five hundred and ninety-four of the laws of eighteen hundred and ninety-six, and transferring all the powers of "the board for the Park avenue improvement above One Hundred and Sixth street" to the commissioner of highways of The City of New York on and after the tenth day of March, eighteen hundred and ninety-eight.

Accepted by the city.

Became a law April 29, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Board to
deliver
records,
etc.

Section 1. On the tenth day of March, eighteen hundred and ninety-eight, "the board for the Park avenue improvement above One Hundred and Sixth street," created pursuant to chapter three hundred and thirty-nine of the laws of eighteen hundred and ninety-two, shall deliver to the commissioner of highways of The City of New York all records, books, papers and maps in its office, or under its control, and upon the said tenth day of March, eighteen hundred and ninety-eight, the term of office

Term of
office to
expire.

of the said "the board for the Park avenue improvement above One Hundred and Sixth street" and of each member thereof shall expire, and said board shall cease to exist on that day.

§ 2. From and after the said tenth day of March, eighteen hundred and ninety-eight, all the powers and duties imposed or conferred upon the said "the board for the Park avenue improvement above One Hundred and Sixth street" by the said act, or any amendment thereof, are hereby transferred to, and shall be devolved upon, and shall be performed by, the commissioner of highways of The City of New York.

Powers and
duties
trans-
ferred.

§ 3. Nothing herein contained shall in any manner impair or affect any contract heretofore made by or with the said "the board for the Park avenue improvement above One Hundred and Sixth street," and any contract and all rights thereunder heretofore made by or with the said board, may be enforced in the name of "The City of New York" by the said commissioner of highways in the same manner and to the same extent that any such contract or any such rights thereunder might or could have been enforced by the said board under and pursuant to the provisions of the said act hereby amended or otherwise.

Contracts
not
affected.

§ 4. Nothing herein contained shall relieve The New York and Harlem Railroad Company, or its lessee, The New York Central and Hudson River Railroad Company, from any costs, charges or expenses imposed upon the said railroad companies, or either of them, in and by the act hereby amended, or impose upon The City of New York any costs, charges or expenses not imposed by the said act hereby amended.

Railroad
companies
not re-
lieved of
costs, etc.

§ 5. This act shall take effect immediately.

Chap. 614.

AN ACT to authorize the appointment of a commission to inquire into the expediency of revising and amending the statutes relating to the taxation of property in the state of New York, and to suggest legislation thereon.

Became a law April 29, 1898, with the approval of the Governor.
Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Within thirty days after this act takes effect the governor shall appoint, by and with the advice and consent of

Appoint-
ment of
commis-
sion.

Powers
and duties.Final
report.Expenses
and dis-
burse-
ments.

the senate, a commission of five persons, at least one of whom shall be a resident and a citizen of a city of the first class, to collate and report facts concerning the taxation of property, together with a summary of conclusions to be drawn therefrom, and to suggest such changes as they deem advisable in the statutes of the state relating thereto. Said commission shall have authority to employ stenographers and other necessary assistants, and to send for persons and papers, and to compel the attendance of any person before them at any place within the state. They shall make and present their final report to the legislature on or before January fifteenth, eighteen hundred and ninety-nine, and shall present therewith such bill or bills as may be necessary to carry into effect the changes deemed advisable by them.

§ 2. Each of said commissioners shall be a resident and inhabitant of the state of New York. They shall receive the necessary expenses and disbursements incurred in the performance of the duties herein imposed, when the same are properly audited by the comptroller of the state, and the same, when so audited, shall be paid by the warrant of the comptroller out of the moneys in the treasury, not otherwise appropriated.

§ 3. This act shall take effect immediately.

Chap. 615.

AN ACT to provide for the completion of the bridge over the inlet to Otisco lake, in the county of Onondaga, and making an appropriation therefor.

Became a law April 29, 1898, with the approval of the Governor.
Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Comple-
tion of
bridge.

Section 1. The superintendent of public works is hereby authorized to complete the bridge over the inlet to Otisco lake, in the county of Onondaga, at a place where the main road leading from the town of Spafford to Syracuse crosses said inlet, and for the necessary appropriation thereto, upon the plans and specifications prepared and approved by the state engineer and surveyor.

Appro-
priation.

§ 2. The sum of ten thousand dollars, or so much thereof as may be necessary, is hereby appropriated for the purpose of this

act, payable by the treasurer on the warrant of the comptroller, to the order of the superintendent of public works. No part of the money hereby appropriated shall be available until after the execution of a contract by a responsible party to said superintendent of public works for the completion of said bridge at a cost within said appropriation, and the filing of a copy of said contract with the comptroller.

Contract
for work.

§ 3. This act shall take effect immediately.

Chap. 616.

AN ACT making an appropriation for deficiency in appropriation for the legislative printing of the state.

Became a law April 29, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The sum of two hundred thousand dollars, or so much thereof as may be necessary, is hereby appropriated for deficiency in appropriation for the legislative printing of the state, including binding, mapping, lithographing and engraving, said amount to be paid after due audit by the comptroller.

§ 2. This act shall take effect immediately.

Chap. 617.

AN ACT to provide for the repair and improvement of the state armory at Elmira, and making an appropriation therefor.

Became a law April 29, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The sum of twenty-five thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the treasury, not otherwise appropriated, for the purpose of repairing and improving the state armory at Elmira, to be expended under the direction of the adjutant-general, the inspector-general and chief of ordnance of this state, who are hereby appointed a commission for that purpose, the work to be done and materials furnished, so far as practicable, upon con-

Appropriation
for repair
and im-
provement
of armory.

tract to be entered into with the lowest responsible bidder after suitable advertisement. The moneys hereby appropriated shall be paid by the treasurer on the warrant of the comptroller drawn upon the order of said commission.

When
available.

§ 2. No part of this appropriation shall be available until the adjutant-general, the inspector-general and the chief of ordnance of this state shall unite in a certificate filed in the office of the comptroller, certifying that said armory can be repaired and improved in all respects within the appropriation hereby made.

§ 3. This act shall take effect immediately.

Chap. 618.

AN ACT to authorize the construction of a wrought iron or steel lift bridge over the Erie canal in the village of Brighton.

Accepted by the city.

Became a law April 29, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Construc-
tion of
bridge.

Section 1. The superintendent of public works is hereby authorized to provide for the construction of a suitable wrought iron or steel lift or hoist bridge over the Erie canal in the village of Brighton, where the highway running from the New York Central station crosses said canal, and for the necessary approaches thereto, and the necessary machinery to operate such bridge as he shall deem to be the best interests of the state, upon plans and specifications to be prepared by the state engineer and surveyor, provided that the owners of land at the point where said approaches shall be built shall release to the state all claims for damages arising or growing out of the building of such approaches. The cost of operating said bridge shall be a charge upon the village of Brighton.

Plans, etc.

Cost of
operating.

Appropriation.

Contract
for work.

§ 2. The sum of twenty-five thousand dollars, or so much thereof as may be necessary, is hereby appropriated for the purposes specified in this act, payable by the treasurer upon the warrant of the comptroller to the order of the superintendent of public works for the purposes of this act. No part of the money hereby appropriated shall be available until after the execution of a

contract by a responsible party to said superintendent of public works, for the completion of said bridge at a cost within said appropriation, and the filing of said contract with the comptroller.

3. This act shall take effect immediately.

Chap. 619.

AN ACT making an appropriation additional to that made by chapter five hundred and seventy of the laws of eighteen hundred and ninety-seven, for the construction of a foot bridge over the Champlain canal, in the town of Waterford, Saratoga county.

Became a law April 29, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The sum of one thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the treasury, not otherwise appropriated, to be expended by the superintendent of public works, together with the money appropriated by chapter five hundred and seventy of the laws of eighteen hundred and ninety-seven for such purpose, in constructing an iron foot bridge over the Champlain canal, in the town of Waterford, Saratoga county, at a point where Sixth street in said town crosses the Champlain canal, in such manner as not to interfere with the navigation of the canal. The cost of such bridge shall not exceed the sum of three thousand dollars, to be paid from the moneys appropriated by chapter five hundred and seventy of the laws of eighteen hundred and ninety-seven, and by this act. Such bridge shall be erected upon plans and specifications to be approved by the state engineer and surveyor.

Appropriation for bridge.

Limitation of cost.

Plans.

§ 2. This act shall take effect immediately.

Chap. 620.

AN ACT making an appropriation for repairing and protecting by restraining wall or otherwise the banks and beds of the Oriskany creek feeder within the town of Kirkland, Oneida county, New York.

Became a law April 29, 1898, with the approval of the Governor.
Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Repairing
and pro-
tecting
wall.

Section 1. The superintendent of public works is hereby authorized to repair and protect by restraining wall, dredging or otherwise the banks and beds of the Oriskany creek feeder within the town of Kirkland, in the county of Oneida.

Appropriation.

§ 2. The sum of fifteen hundred dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the treasury not otherwise appropriated, to carry into effect the provisions of section one of this act, payable on the warrant of the comptroller upon the requisition of the superintendent of public works as he may desire the same in the progress of such work.

Plans.

§ 3. The work herein authorized shall be performed in accordance with plans and specifications and estimates to be furnished and approved by the state engineer and surveyor. No part of the money hereby appropriated shall be available until after the execution of a contract by a responsible party to said superintendent of public works, for the completion of said work at a cost within said appropriation, and the filing of said contract with the comptroller.

Contract
for work.

§ 4. This act shall take effect immediately.

Chap. 621.

AN ACT authorizing the superintendent of public works to improve and change the channels of the streams in the town of Mamakating, in Sullivan county, known as the Basha's kill and Pine kill, at their junction, and making an appropriation therefor.

Became a law April 29, 1898, with the approval of the Governor.
Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The superintendent of public works is hereby authorized to remove the bar now existing in the channel of the stream known as the Basha's kill at its junction with the Pine kill in the town of Mamakating in Sullivan county, and to deepen and enlarge said channel; also to change the channel of the Pine kill at its junction with said Basha's kill so as to prevent the formation of such bar; also build necessary walls to restrain the waters of said Pine kill in said new channel, and to make such improvements and changes in the channels of said streams as may be necessary to drain the lands adjacent to the channel of said Basha's kill and to prevent the unhealthfulness caused by the present frequent overflow of said Basha's kill on large tracts of adjacent lands. Improvement of channels

§ 2. The work herein authorized shall be done in accordance with plans and specifications to be furnished by or submitted to and approved by the state engineer and surveyor. Plans.

§ 3. No work shall be done or money expended for the purposes named in this act until the owners of lands upon which such work is proposed to be done shall have filed with the superintendent of public works an instrument in writing, granting to the state the right to enter upon their said lands and perform said work, and releasing the state from all damages on account thereof, and granting to the state the right to construct and forever maintain the walls, breakwaters and channels necessary for the proper execution and perpetuity of said work. Release to state.

§ 4. The sum of five thousand dollars or so much thereof as may be necessary, is hereby appropriated out of any money in the treasury not otherwise appropriated, for the purposes specified in this act, to be paid by the treasurer upon the warrant of the comptroller to the order of the superintendent of public Appropriation.

Contracts
for work.

works. No part of the money hereby appropriated shall be available until after the execution of a contract by a responsible party to said superintendent of public works for the completion of said work at a cost within said appropriation, and the filing of said contract with the comptroller.

§ 5. This act shall take effect immediately.

Chap. 622.

AN ACT making an appropriation for repairing and enlarging the state armory heretofore erected for the use of the Forty-seventh Regiment, national guard of the state of New York.

Became a law April 29, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Appropriation
for armory.

Section 1. The sum of thirty-five thousand dollars or so much thereof as may be necessary, is hereby appropriated for the purpose of repairing, completing and furnishing the state armory heretofore erected in the county of Kings for the use of the Forty-seventh Regiment, national guard of the state of New York, and now occupied by it or any part thereof, which sum shall be expended under the direction of the armory commission, upon the requisition of said commission, as may be required by them for the purpose of this act. No part of the money hereby appropriated shall be available until after the execution of a contract by a responsible party to said armory commission, for the completion of said work of repairing, completing and furnishing said armory at a cost within said appropriation and the filing of a duplicate of said contract with the comptroller.

Contract
for work.

§ 2. This act shall take effect immediately.

Chap. 623.

AN ACT making an appropriation for the construction of a steel bridge over the Glens Falls feeder, on Main street, in the village of Sandy Hill.

Became a law April 29, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The superintendent of public works is hereby authorized and directed to remove the old bridge over the Glens Falls feeder on Main street, in the village of Sandy Hill, and to cause to be built in the place thereof, during the year eighteen hundred and ninety-eight, a new steel bridge and to build new abutments therefor, and regrade the approaches thereto. All the work called for in this act shall be done in accordance with plans, specifications and estimates prepared and approved by the state engineer and surveyor. Construction of bridge

§ 2. The sum of six thousand dollars, or so much thereof as may be necessary, is hereby appropriated, for the purposes of carrying into effect the provisions of this act. No part of the money hereby appropriated shall be available until after the execution of a contract by a responsible party to said superintendent of public works, for the completion of said bridge, at a cost within said appropriation, and the filing of said contract with the comptroller. Appropriation.
Contracts for work.

§ 3. This act shall take effect immediately.

Chap. 624.

AN ACT to provide for repairing and reconstructing the banks and channels of Glen creek, in the village of Watkins, and making an appropriation therefor.

Became a law April 29, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The sum of five thousand dollars is hereby appropriated for the purpose of repairing and cleaning and putting in proper condition the channel of that portion of Glen or Mill Appropriation for improvement of creek.

creek, which is in the village of Watkins, which channel was changed or modified by the state in constructing the Chemung canal; the money so appropriated to be expended by and under the direction of the superintendent of public works, by plans and specifications of the state engineer and surveyor, and he is hereby directed to begin said work at the outlet of said creek where it enters the Chemung canal, and upon the north side of said creek.

Plans.

Payment
of appro-
priation.

§ 2. The money hereby appropriated for the purpose aforesaid shall be payable by the state treasurer, on the warrant of the comptroller, or out of any moneys in his hands not otherwise appropriated, to the superintendent of public works, to be by him expended for the purposes mentioned in section one of this act. No part of the money hereby appropriated shall be available until after the execution of a contract by a responsible party to said superintendent of public works for the completion of said work at a cost within said appropriation, and the filing of said contract with the comptroller.

Contract
for work.

§ 3. This act shall take effect immediately.

Chap. 625.

AN ACT to authorize the construction of a new iron bridge with double driveways and sidewalks over the Erie canal at South George street in the city of Rome.

Accepted by the city.

Became a law April 29, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The superintendent of public works is hereby authorized to construct a new iron bridge, including the necessary enlargement of the structure with double driveways and sidewalks, to replace the present structure over the Erie canal at South George street, in the city of Rome, upon plans to be prepared by the state engineer and surveyor. The sum of eight thousand dollars, or so much as shall be necessary, is hereby appropriated for the purposes specified in this act, out of any moneys in the treasury not otherwise appropriated, to be paid by the state treasurer, upon the warrant of the comptroller, to

Construc-
tion of
bridge.

Appropriation.

the order of the superintendent of public works. No part of the money hereby appropriated shall be available until after the execution of a contract by a responsible party to said superintendent of public works, for the completion of said bridge and sidewalks, at a cost within said appropriation, and the filing of said contract with the comptroller. Contract for work.

§ 2. This act shall take effect immediately.

Chap. 626.

AN ACT to provide for the construction and maintenance of a lift or hoist bridge over the Erie canal, at Peterboro street, in the village of Canastota, Madison county, New York, and making an appropriation therefor.

Became a law April 29, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The superintendent of public works is hereby authorized to remove the bridge over the Erie canal in Peterboro street in the village of Canastota, Madison county, New York, and to construct, or cause to be constructed, over the Erie canal at that point in said village, a lift, or hoist bridge with a roadway and two sidewalks for foot passengers, with suitable foundations therefor and approaches thereto, and the necessary machinery to operate said bridge, upon plans and specifications to be prepared, or approved, by the state engineer and surveyor, provided, however, that the state shall not be liable to any person, persons, or corporation, for any damage that may be sustained by reason of the lowering of the grade of the approaches to said bridge. Such bridge shall be operated under the direction of the superintendent of public works, at the expense of the town of Lenox, except that the village of Canastota shall furnish free of charge the water to operate said bridge. Construction of bridge.

§ 2. The sum of eighteen thousand dollars, or so much thereof as may be necessary, is hereby appropriated for the purposes of this act, payable by the treasurer on the warrant of the comptroller to the order of the superintendent of public works. No part of the money hereby appropriated shall be available until Appropriation.

Contracts for work.

after the execution of a contract by a responsible party to said superintendent of public works, for the completion of said bridge, at a cost within said appropriation, and the filing of said contract with the comptroller.

§ 3. This act shall take effect immediately.

Chap. 627.

AN ACT to provide for the building of a dam across the Saranac river at Saranac lake, and making an appropriation therefor.

Became a law April 29, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Construction of dam.

Section 1. The superintendent of public works is hereby authorized to construct, under contract, at a location to be determined by the board of health of Saranac Lake village, a dam across the Saranac river at Saranac Lake.

Appropriation of land.

§ 2. The superintendent of public works may enter on and take possession of any land in the east half of the northeast quarter of township twenty-four, Franklin county, which may be necessary for the purpose of the construction and maintenance of said dam.

Description and certificate to be made and filed.

§ 3. Upon request of the superintendent of public works, an accurate description of such lands so to be appropriated shall be made by the engineer and surveyor, and certified by him to be correct, and the superintendent of public works shall endorse on such description a certificate stating that the lands described therein have been appropriated by the state for the purpose aforesaid, and such description and certificate shall be filed in the office of the secretary of state. The superintendent of public works shall thereupon serve upon the owner of any real property so appropriated, a notice of the filing and the date of the filing such description, and containing a general description of the real property belonging to such owner which has been so appropriated, and from the time of such service the entry upon and appropriation by the state of the real property described in such notice for the uses and purposes above specified, shall be deemed complete and thereupon such property shall be deemed and be the property of the state. Such notice shall be conclusive evidence of an entry and an appropriation of the state.

Notice of appropriation of land.

§ 4. Claims for the value of the property taken and for damages caused by any such appropriation may be adjusted by the forest preserve board, if the amount thereof can be agreed upon with the owners of the land appropriated. The board may enter into an agreement with the owner of any land so taken and appropriated for the value thereof, and for any damages resulting from such appropriation. Upon making such agreement the board shall deliver to the owner a certificate stating the amount due to him on account of such appropriation of his lands, and a duplicate of such certificate shall also be delivered to the comptroller. The amount so fixed shall be paid by the treasurer upon the warrant of the comptroller.

Claims for property taken.

Agreement with owners.

Payment by comptroller.

§ 5. If the forest preserve board is unable to agree with the owner for the value of the property so taken or appropriated, or on the amount of damages resulting therefrom, such owner, within one year after the service upon him of the notice of appropriation as above specified, may present to the court of claims a claim for the value of such land and for such damages, and the court of claims shall have jurisdiction to hear and determine such claim and render judgment therein. Upon filing in the office of the comptroller a certified copy of the final judgment of the court of claims, and a certificate of the attorney-general that no appeal from such judgment has been or will be taken by the state, or, if an appeal has been taken a certified copy of the final judgment of the appellate court, affirming in whole or in part the judgment of the court of claims, the comptroller shall issue his warrant for the payment of the amount due the claimant by such judgment, with interest from the date of the judgment until the thirtieth day after the entry of such final judgment, and such amount shall be paid by the treasurer.

Presentation of claims to court of claims.

Payment of award.

§ 6. The sum of ten thousand dollars, or so much thereof as may be necessary, is hereby appropriated for the purposes specified in this act out of any moneys in the treasury, not otherwise appropriated.

Appropriation.

§ 7. This act shall take effect immediately.

Chap. 628.

AN ACT to provide for the construction of a bridge and the approaches thereto, and for the extension and repair of the old abutments, in the village of Seneca Falls, in the county of Seneca, and making an appropriation therefor.

Became a law April 29, 1898, with the approval of the Governor.
Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Construction of bridge and repair of abutments.

Section 1. The superintendent of public works is hereby authorized to repair and enlarge the old abutments, and to construct or cause to be constructed, an iron bridge and approaches thereto, with an eighteen-foot driveway and sidewalks upon each side thereof, over the Cayuga and Seneca canal from the blue line upon the southern bank of the Seneca outlet to the northern bank thereof, upon the location as near as may be where the former bridge sustained by said old abutments stood. Such bridge to be constructed in such manner as shall not interfere with the navigation of the canal. The cost of said bridge not to exceed the sum of eight thousand dollars, to be paid from any moneys in the treasury not otherwise appropriated.

Appropriation.

And the sum of eight thousand dollars is hereby appropriated, or so much thereof as is necessary for these purposes; the said bridge to be erected upon plans and specifications to be approved by the state engineer and surveyor. Such money shall be payable by the treasurer on the warrant of the comptroller on the order of the superintendent of public works.

§ 2. This act shall take effect immediately.

Chap. 629.

AN ACT to provide for the construction of a swing-bridge over the Champlain canal, near Burton's sawmills, in the town of Waterford, and making an appropriation therefor.

Became a law April 29, 1898, with the approval of the Governor.
Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Appropriation for bridge.

Section 1. The sum of five thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in

the treasury not otherwise appropriated, for the construction of a swing-bridge over the Champlain canal near Burton's saw-mills, in the town of Waterford, and for the removal of the bridge at that point. Said money shall be expended and such bridge shall be constructed under the direction and supervision of the superintendent of public works, upon plans and specifications approved by the state engineer and surveyor. Such money shall be payable by the treasurer, on the warrant of the comptroller, on the order of the superintendent of public works. No part of the money hereby appropriated shall be available until after the execution of a contract by a responsible party to said superintendent of public works for the completion of said bridge at a cost within said appropriation and the filing of said contract with the comptroller. Contract for work.

§ 2. This act shall take effect immediately.

Chap. 630.

AN ACT authorizing the removal and construction of a wrought-iron bridge over the Erie canal, or Tonawanda creek, known as the "New Home Bridge" between Pendleton and Pickards bridge in the counties of Erie and Niagara, with abutments and approaches thereto, and making an appropriation therefor.

Became a law April 29, 1898, with the approval of the Governor.
Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The superintendent of public works is hereby authorized to remove the bridge now spanning the Erie canal, or Tonawanda creek, located between Pendleton and Pickard's bridge, the approaches and abutments thereto, and to erect in place thereof a new wrought iron bridge with suitable abutments and approaches. Erection of bridge.

§ 2. The work herein authorized shall be performed in accordance with plans and specifications to be furnished and approved by the state engineer and surveyor. Plans.

§ 3. The sum of fifteen thousand dollars, or so much thereof as may be necessary, is hereby appropriated for the purpose specified in this act, out of the moneys in the treasury not otherwise appropriated, to be paid by the treasurer, upon the warrant of Appropriation.

Contract
for work.

the comptroller, to the superintendent of public works. No part of the money hereby appropriated shall be available until after the execution of a contract by a responsible party to said superintendent of public works for the completion of said bridge at a cost within said appropriation and the filing of said contract with the comptroller.

§ 4. This act shall take effect immediately.

Chap. 631.

AN ACT to provide for repairing the draw-bridge over the Minisceongo creek in the county of Rockland, and making an appropriation therefor.

Became a law April 29, 1898, with the approval of the Governor.
Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Appropriation for repairs to draw-bridge.

Section 1. The sum of six thousand dollars or so much thereof as may be necessary is hereby appropriated for the purpose of repairing and putting in proper condition the draw-bridge over the Minisceongo creek in the county of Rockland; which draw-bridge was declared to be a state charge by chapter one hundred and fourteen of the laws of eighteen hundred and ninety-five. No part of the money hereby appropriated shall be available until after the execution of a contract by a responsible party to said superintendent of public works for the completion of said repairs at a cost within said appropriation and the filing of said contract with the comptroller.

Contract
for work.

§ 2. This act shall take effect immediately.

Chap. 632.

AN ACT authorizing the construction of a stone arch culvert over the state ditch at Delaware street in the village of Tonawanda, Erie county, New York, and making an appropriation therefor.

Became a law April 29, 1898, with the approval of the Governor.
Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Construction of culvert.

Section 1. The superintendent of public works is hereby authorized to construct a stone arch culvert, to replace the struc-

ture over the state ditch at Delaware street, in the village of Tonawanda, Erie county, New York, said culvert to be constructed according to the plans and specifications to be furnished by the state engineer and surveyor; and for constructing the same, the sum of six thousand dollars, or so much thereof as ^{Appropriation.} may be necessary, is hereby appropriated out of any money in the treasury not otherwise appropriated, to be paid by the treasurer upon the warrant of the comptroller to the order of the superintendent of public works. No work shall be done, or ^{Contract for work.} money expended, under the provision of this act, until the superintendent of public works shall have advertised for and let a contract for the work herein provided for to the lowest bidder. And no part of the money hereby appropriated shall be available until after the execution of a contract by a responsible party to said superintendent of public works for the completion of said culvert at a cost within said appropriation and the filing of said contract with the comptroller.

§ 2. This act shall take effect immediately.

Chap. 633.

AN ACT to provide for the construction of vertical retaining walls on each side of the Oneida feeder to the Erie canal, in the village of Oneida, Madison county, from Messenger street to Cedar street in said village, and making an appropriation therefor.

Became a law April 29, 1898, with the approval of the Governor.
Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The superintendent of public works is hereby authorized and directed to construct or cause to be constructed vertical ^{Construction of walls.} retaining walls on each side of the Oneida feeder to the Erie canal, in the village of Oneida, Madison county, from Messenger street to Cedar street in said village, according to plans and specifications therefor to be prepared and furnished by the state engineer and surveyor.

§ 2. The sum of eight thousand dollars or so much thereof as ^{Appropriation.} may be necessary for that purpose is hereby appropriated out of any moneys in the treasury not otherwise appropriated to carry out the provisions of this act, payable by the treasurer on

Contract
for work.

the warrant of the comptroller upon the requisition of the superintendent of public works. Unless the superintendent of public works shall decide to have such work done under any existing contract covering the improvement of the Oneida feeder, no part of the money hereby appropriated shall be available until after the execution of a contract by a responsible party to said superintendent of public works, for the completion of said work at a cost within said appropriation, and the filing of said contract with the comptroller.

§ 3. This act shall take effect immediately.

Chap. 634.

AN ACT to provide for the completion of the state armory and drill-room, at Walton, New York, and making an appropriation therefor.

Became a law April 29, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Appropriation
for
armory.

Section 1. The sum of six thousand dollars or so much thereof as may be necessary, is hereby appropriated out of any moneys in the treasury not otherwise appropriated, for the purpose of completing, finishing, furnishing, heating and lighting the state armory and drill room at Walton, to be expended under the direction of the adjutant-general, the inspector-general and the chief of ordnance of this state, who are hereby appointed a commission for that purpose, the work to be done and materials furnished, so far as practicable, upon contract to be entered into with the lowest responsible bidder, after suitable advertisement. The moneys hereby appropriated shall be paid by the treasurer upon the warrant of the comptroller drawn upon the order of said commission.

When
available.

§ 2. No part of this appropriation shall be available until the adjutant-general, the inspector-general and the chief of ordnance of this state shall unite in a certificate filed in the office of the comptroller, and certifying that said armory can be completed in all respects, including its finishing, heating and lighting within the appropriation hereby made.

§ 3. This act shall take effect immediately.

Chap. 635.

AN ACT to facilitate state commerce by increasing the depth of water in the Erie basin at Buffalo, and making an appropriation therefor.

Became a law April 29, 1898, with the approval of the Governor.
Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The superintendent of public works is hereby authorized and directed, on or before the opening of navigation in the Erie canal in the year eighteen hundred and ninety-eight or as soon thereafter as practicable, to deepen and improve that portion of the Erie basin at Buffalo, lying between the southerly line of slip number two, extended westerly, and the northerly line of slip number three, by enlarging, extending and improving the channel, already partially constructed, to a width not exceeding one hundred and fifty feet, and to a uniform depth of not less than twenty feet, which improvement shall be commenced at the southerly line of slip number two extended westerly, and progress along the channel already partially constructed northerly to the northerly line of slip number three.

Deepening
and im-
proving of
basin.

§ 2. The performance of all work provided for by this act shall be by contract entered into and duly executed by and between the superintendent of public works and the contractor or contractors performing the same, except such portion thereof as in the judgment of the superintendent of public works and the state engineer and surveyor cannot be so done to the best interests of the state.

Contract
for work.

§ 3. Such contract shall be given to the lowest bidder or bidders giving ample security for the performance of the work in all respects according to such contract, after being advertised by the superintendent of public works for a period of not less than ten days in such papers, published in such localities, as he shall deem best for the interests of the state. The notices of letting shall be signed by the superintendent of public works and published as aforesaid, and shall state the work to be done and the length of time which will be given for the completion of the work, the amount of security required, and the conditions of the bond to be furnished for the faithful performance of the contracts. Plans and specifications shall be prepared by the state engineer and surveyor, for the proposed deepening and improving of the Erie basin

How let,
etc.

Notice of
letting.

Plans.

Right to
declare
contract
forfeited.

as aforesaid. The superintendent of public works and the canal board shall reserve the right to declare any contract forfeited whenever in their judgment the work thereunder is not being performed in good faith in the interests of the state.

Appropriation.

§ 4. The sum of thirty thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the treasury, not otherwise appropriated, for the purposes defined by this act, to be paid by the treasurer on the warrant of the comptroller to the order of the superintendent of public works in such sums as he may from time to time require in the prosecution of the aforesaid work.

§ 5. This act shall take effect immediately.

Chap. 636.

AN ACT to appropriate money for the support of the insane under the provisions of chapter five hundred and forty-five of the laws of eighteen hundred and ninety-six, chapter nine hundred and forty-four of the laws of eighteen hundred and ninety-six and chapter four hundred and sixty of the laws of eighteen hundred and ninety-seven.

Became a law April 29, 1898, with the approval of the Governor.

Passed by a two-thirds vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

State tax
for care of
insane.

Section 1. There shall be imposed for the fiscal year beginning on the first day of October, eighteen hundred and ninety-eight, a tax of eighty-one one-hundredths of a mill on each dollar of real and personal property of the state, to be assessed, levied and collected by the annual assessment and collection of taxes of that year, and paid by the several county treasurers into the treasury of this state, the proceeds of such tax, and the further sum of nine hundred and thirty thousand four hundred and sixty-six dollars and forty-four cents which shall be paid from the general fund, shall be held by the treasurer for the following purposes: For the maintenance, repairs and enlargement of the state hospitals, the sum of four million nine hundred thousand dollars, or such sum as said tax and said payment from the general fund may yield, is hereby appropriated for the purposes defined herein,

to be expended under the provisions of chapter five hundred and forty-five of the laws of eighteen hundred and ninety-six, chapter nine hundred and forty-four of the laws of eighteen hundred and ninety-six and chapter four hundred and sixty of the laws of eighteen hundred and ninety-seven, and of the money hereby appropriated no money shall be paid out for or on account of the said state hospitals or for other purposes, except under the provisions of said acts. Any moneys paid in on account of said tax in excess of the amount specifically appropriated are hereby appropriated for the foregoing purposes, and the moneys received on account of the taxes heretofore levied, and which were levied for and on account of the support and maintenance of the insane, and the erection of buildings, and the repairs and improvements thereto, are hereby appropriated as follows: The amount received in excess of the amount stated under the provisions of chapter nine hundred and forty-four of the laws of eighteen hundred and ninety-six, amounting to the sum of one hundred and sixty-eight thousand seven hundred and twelve dollars and ninety cents; such sum having been the proceeds of taxes levied for the foregoing purposes. Such sum or sums as may be necessary to provide for additional accommodations for the insane and for other necessary buildings, repairs or improvements at the state hospitals shall be advanced by the treasurer on the warrant of the comptroller in anticipation of the collection of the tax above described, and shall be available on the passage of this act for such purposes. The sum of three thousand eight hundred and sixty dollars received on account of the sale of certain lands of the Utica State Hospital, under the provisions of chapters fifteen and two hundred and seventy-four of the laws of eighteen hundred and ninety-seven, and paid into the state treasury during the year eighteen hundred and ninety-seven, is hereby appropriated for the said Utica state hospital, to be expended according to the provisions of chapter five hundred and forty-five of the laws of eighteen hundred and ninety-six. The commission shall determine, from time to time, the capacity of each of the state hospitals, and shall incorporate a statement of such capacity in its annual report to the legislature. In all claims of the state upon relatives liable for the support of a patient or upon moneys or property held by said patient the state shall be deemed a preferred creditor. For the maintenance of the state hospitals the superintendent of each hospital

Appropriation of tax.

Advances by comptroller.

Appropriation for Utica State Hospital.

Capacity of hospitals.

Claims upon relatives.

Estimates for maintenance of hospitals.

shall cause to be made estimates under the provisions of section thirty-nine of chapter five hundred and forty-five of the laws of eighteen hundred and ninety-six at least once in each two months, as the commission may determine, and the superintendents shall meet with the commission under the provisions of said section at least once in two months, and, when not otherwise provided for, the superintendent or his representative shall be deemed to be the representative of the board of managers of the hospital of which he is the superintendent for the purpose of entering into contracts for the joint purchase of supplies for all the state hospitals, under the provisions of section forty-four of chapter five hundred and forty-five of the laws of eighteen hundred and ninety-six, and, if the majority of such representatives determine on joint purchases, such joint purchases shall apply and be for the benefit of all the state hospitals, and the commission may designate one such representative to sign a contract in behalf of all the hospitals. Any general expenses necessarily incurred by the commission for or on account of the state hospitals shall be apportioned to such hospitals on the basis of the number of patients, to be estimated for under the provisions of chapter five hundred and forty-five of the laws of eighteen hundred and ninety-six relating to estimates, which estimates shall be made by direction of the commission. The term "commission" when used in this chapter shall be deemed to mean the "state commission in lunacy."

Apportionment of general expenses.

Term defined.

§ 2. This act shall take effect immediately.

Chap. 637.

AN ACT to confer jurisdiction on the court of claims to hear and determine the claim of Lelia E. Marsh against the state, and to make an award therefor.

Became a law April 29, 1898, with the approval of the Governor.
Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Jurisdiction to hear claim.

Section 1. Jurisdiction is hereby conferred upon the court of claims to hear, audit and determine the claim, if any, of

Lelia E. Marsh against the state of New York for money paid into the treasury of the state of New York in excess of the amount actually due and owing to the state by said Lelia E. Marsh for the redemption of her land in the southerly one-half of Township thirty-five, Totten and Crossfield's purchase, Hamilton county, from the state tax sales of eighteen hundred and seventy-seven, eighteen hundred and eighty-one and eighteen hundred and eighty-five; and to refund to said Lelia E. Marsh the money paid by her into the state treasury for taxes on land in said township other than her own. And if the facts proved before said board shall establish that said Lelia E. Marsh did pay into the state treasury any moneys on account of taxes and interest on any land in said southerly one-half of said township other than the portion of the land to which she claimed title, such board shall determine the proportionate share of the taxes which said Lelia E. Marsh should have paid on the land owned by her, and shall award to her the difference between such proportionate share and the whole amount actually paid by her to redeem her interest in the lands in said southerly one-half of said township from said tax sales. Provided herein that "No award shall be made, or judgment rendered herein, against the state unless the facts proved shall make out a case against the state which would create a liability were the same established in evidence in a court of law or equity against an individual or corporation; and in case such liability shall be satisfactorily established then the court of claims shall award to, and render judgment for the claimant for such sum as shall be just and equitable, notwithstanding the lapse of time since the accruing of said damages, provided the claim hereunder is filed with the court of claims within one year after the passage of this act."

§ 2. Either party may appeal to the court of appeals from any award made under authority of this act, if the amount in controversy exceeds five hundred dollars, provided such appeal be taken by service of a notice of appeal within thirty days after service of a copy of award. ^{Appeal from award.}

§ 3. This act shall take effect immediately.

Chap. 638.

AN ACT to validate, legalize and confirm an act of the board of supervisors of the county of Oswego, entitled "An act to incorporate the Daysville Cemetery Association, in the town of Richland, Oswego county, New York," passed December seventeenth, eighteen hundred and ninety-seven, the election of trustees and the acts of the Daysville Cemetery Association thereunder, and of its trustees and officers, and to continue the corporate existence of said association.

Became a law April 29, 1898, with the approval of the Governor.
Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Act of supervisors
legalized.

Section 1. The act of the board of supervisors of the county of Oswego, entitled "An act to incorporate the Daysville Cemetery Association in the town of Richland, Oswego county, New York," passed December seventeenth, eighteen hundred and ninety-seven, and the election of trustees and acts of the Daysville Cemetery Association thereunder and of its trustees and officers, are hereby confirmed and made legal and valid, and of the same effect to authorize and continue the corporate existence of said association as if the said board of supervisors had acquired jurisdiction to pass said act.

§ 2. This act shall take effect immediately.

Chap. 639.

AN ACT to amend the fisheries, game and forest law, relative to bounties on wolves and panthers.

Became a law April 29, 1898, with the approval of the Governor.
Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Sections fifty-two and fifty-three of chapter four hundred and eighty-eight, of the laws of eighteen hundred and ninety-two, the title to which was amended by chapter three hundred and ninety-five of the laws of eighteen hundred and ninety-five, to read "An act relating to game, fish and wild animals and to the forest preserve and Adirondack park, constituting chapter thirty-one of the general laws, and to be known as the fisheries,

game and forest law," as amended by chapter nine hundred and seventy-four of the laws of eighteen hundred and ninety-five, are hereby amended to read as follows:

§ 52. **Panthers, bounty.** A bounty of twenty dollars for each panther, shall be paid to any person who shall kill such animal in the state.

§ 53. **Claim for bounty; how proven.** The killing of a panther shall be proved by affidavit satisfactory to the supervisor and one of the justices of the town where the animal was killed, and the delivery to them of the skull and skin thereof, which skull shall be by them burned and the skin branded so as to be capable of identification.

§ 2. This act shall take effect immediately.

Chap. 640.

AN ACT to empower the board of supervisors of Rensselaer county to make an appropriation annually for the benefit of the Mohawk and Hudson River Humane Society.

Became a law April 29, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The board of supervisor of Rensselaer county, annually, may by resolution, appropriate out of any county funds then on hand, or to be thereafter raised by taxation or otherwise, the sum of one thousand dollars, for the benefit of and to be paid to the Mohawk and Hudson River Humane Society, to be used by it for general purposes. Said amount shall be payable forthwith, or at such time as said resolution shall designate.

Appropriation authorized.

§ 2. Upon presentation to the treasurer of Rensselaer county of a copy of said resolution, certified to by the clerk of said board, said county treasurer shall at the time designated in said resolution pay to said Mohawk and Hudson River Humane Society said sum of one thousand dollars out of any county funds in his hands.

Payment.

§ 3. This act shall take effect immediately.

Chap. 641.

AN ACT to amend the highway law by adding a section thereto relating to the application of the proceeds of county road bonds.

Became a law April 29, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Highway
law
amended.

Section 1. Chapter five hundred and sixty-eight of the laws of eighteen hundred and ninety, entitled "An act in relation to highways constituting chapter nineteen of the general laws," and known as the highway law, is hereby amended by adding thereto the following section, to be known as section fifty-nine-a.

Applica-
tion of pro-
ceeds of
county
road
bonds.

§ 59a. If the proceeds of any county bonds issued for the construction of certain specified highways shall exceed the amount necessary for the construction of said highways, the board of supervisors may, in their discretion, apply such excess or any part thereof to the construction and improvement of other roads already adopted into the county road system; or to the maintenance of the roads for the construction of which said bonds were issued; or to the payment of interest or principal, or both, of said bonds.

§ 2. This act shall take effect immediately.

Chap. 642.

AN ACT to amend the Indian law, in relation to the Saint Regis tribe of Indians.

Became a law April 29, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one hundred and two of chapter six hundred and seventy-nine of the laws of eighteen hundred and ninety-two, entitled "An act in relation to Indians, constituting chapter five of the general laws," as amended by chapter two hundred and twenty-nine of the laws of eighteen hundred and ninety-three, is hereby amended to read as follows:

§ 102. Allotment of lands. The chiefs or head men of the Saint Regis nation of Indians in the county of Franklin, in council, shall

allot and set apart for any Indian or Indian family making application, and not possessing land so much of the tribal lands as they shall deem reasonable and just, and no tribal lands shall be appropriated by any Indian to his own use, without such consent and allotment. The clerk shall enter in a book, kept for that purpose, every allotment of tribal lands, set apart for any Indian or Indian family, and the part thereof from which such Indian or family may sell timber or trees or of the part he is permitted to clear for the purposes of cultivation.

§ 2. Chapter six hundred and seventy-nine of the laws of eighteen hundred and ninety-two, entitled "An act in relation to Indians, constituting chapter five of the general laws," as amended by chapter two hundred and twenty-nine of the laws of eighteen hundred and ninety-three, is hereby amended by adding at the end of article seven thereof new sections, to be sections one hundred and eight, one hundred and nine, one hundred and nine-a, one hundred and nine-b, one hundred and nine-c and one hundred and nine-d thereof, and to read as follows:

§ 108. **Qualifications of voters.** All male Indians of the Saint Regis tribe, who are twenty-one years of age or upwards, who reside on the American side of the line dividing the United States from Canada, and who are entitled to draw the yearly annuity money, shall be entitled to vote for the chiefs or headmen, the subchiefs and clerk of the tribe at the elections of such tribe provided for by this article.

§ 109. **Officers of tribes.** The chiefs or headmen, the subchiefs and clerk of the Saint Regis tribe in office when this section takes effect shall continue in office until twelve o'clock noon on the first day of July, eighteen hundred and ninety-eight. Hereafter the chiefs or headmen, the subchiefs and clerk shall be elected in the manner provided for by this article, and shall have all the powers conferred by this chapter upon such officers. A subchief shall have all the power and shall perform all the duties of the chief to whom he is elected as a subchief, in case of such chief's inability to act for any reason whatsoever.

§ 109a. **Election of officers.** There shall be an election of the Saint Regis tribe of Indians on the first Monday after the first Tuesday in June, eighteen hundred and ninety-eight, and annually on the first Monday after the first Tuesday in June thereafter. At the election held on the first Monday after the first Tuesday in

June, eighteen hundred and ninety-eight, there shall be elected by a plurality of votes of the qualified voters of the tribe a chief and a subchief thereto to hold office for a term of three years; a chief and subchief thereto, to hold office for a term of two years; a chief and subchief thereto, to hold office for a term of one year, and a clerk to hold office for a term of three years, and annually thereafter there shall be elected a chief and a subchief thereto to hold office for a term of three years. A successor to such clerk shall be elected at the annual election occurring next prior to the expiration of his term of office. The terms of office of all officers of the Saint Regis tribe shall commence at twelve o'clock noon on the first day of July succeeding the election at which they are elected.

§ 109b. **Conduct of elections.** The clerk of the tribe shall provide a sufficient number of ballot-boxes so that there shall be a separate ballot-box for each officer to be elected, the expense for which shall be paid from the moneys due the tribe from the state. The attorney of the Saint Regis tribe of Indians and the clerk of the tribe shall preside at the election, receive the ballots presented by the voters and deposit them in the respective ballot-boxes. Such clerk and attorney shall each be entitled to receive for such services the sum of four dollars per day for each day during which they are actually employed with such duties, to be paid out of the moneys due such tribe from the state. The polls of such election shall be open between the hours of nine o'clock in the morning and five o'clock in the afternoon. A voter voting at such election must, if challenged, before depositing his ballot, solemnly swear that he is at least twenty-one years of age, that he resides on the American side of the line dividing the United States from Canada and that he is entitled to draw a share of the yearly annuity moneys, which oath shall be administered by the attorney of the tribe.

§ 109a. **Canvass of votes.** Upon the closing of the poll at such election, such attorney and clerk shall count the votes cast thereat and publicly declare the result of such election, specifying the number of votes cast for each person at such election, and the names of the persons elected. The clerk shall enter on the tribal book the names of each person voted for at such election, the number of votes cast for each such person, the names of the persons elected to office and the terms for which they are to serve.

§ 109d. **Vacancies.** If a vacancy shall occur for any reason in the office of chief or headman, subchief or clerk of such tribe, the

chiefs or headmen shall appoint a person to fill such vacancy, who shall hold office until the next succeeding annual election at which a person shall be elected to such office to hold office until the expiration of the term for which his predecessor was elected.

§ 3. This act shall take effect immediately.

Chap. 643.

AN ACT to amend the railroad law, and the acts amendatory thereof, relative to certificates of public convenience and necessity.

Became a law April 29, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Chapter five hundred and sixty-five of the laws of eighteen hundred and ninety, entitled "An act in relation to railroads, constituting chapter thirty-nine of the general laws," and known as the railroad law, is hereby amended by adding thereto a new section, to be known as section fifty-nine-a, to read as follows:

§ 59a. Railroad commissioners may certify part of the route of a street surface railroad. Power to revoke certificates. Street surface railroad extension. Whenever application is made by a street surface railroad company for a certificate of public convenience and a necessity as required by the provisions of the foregoing section, and it shall appear to the board of railroad commissioners, after examination of the proposed route of the applicant company that public convenience and a necessity do not require the construction of said railroad as proposed in its articles of association but do require the construction of a part of the said railroad, the board of railroad commissioners may issue its certificate for the construction of such part of the said railroad as seems to it to be required by public convenience and a necessity. In case any railroad company which shall hereafter obtain the certificate of the board of railroad commissioners that public convenience and a necessity require the construction of the whole or a part of the said railroad shall fail to begin such construction within two

years from the date of the issuing of said certificate, the board of railroad commissioners may inquire into the reason for such failure and the said board may revoke said certificate if it shall appear to it to be in the public interest so to do.

§ 2. This act shall take effect immediately.

Chap. 644.

AN ACT to authorize the appointment of a commission to inquire into the condition of the commerce of New York and suggest legislation thereon.

Became a law April 29, 1898, with the approval of the Governor.
Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Appoint-
ment of
commis-
sion.

Section 1. Within thirty days after this act takes effect the governor shall appoint a commission of five persons to examine into the commerce of New York, the cause of its decline and the means of its revival, together with a summary of conclusions to be drawn therefrom, and to suggest such legislation as they deem advisable, relating thereto. Such commission shall have authority to employ stenographers and other necessary assistants and to send for persons and papers and to compel the attendance of any person before them at any place within the state. They shall present their final report to the legislature on or before January fifteenth, eighteen hundred and ninety-nine, and shall present therewith such bill or bills as may be necessary to carry into effect the changes deemed advisable by them.

Assistance.

Final
report.

Expenses
and dis-
burse-
ments.

§ 2. Each of said commissioners shall be a resident and inhabitant of the state of New York. They shall receive the necessary expenses and disbursements incurred in the performance of the duties herein imposed when the same are properly audited by the comptroller of the state, and the same, when so audited, shall be paid by the warrant of the comptroller out of the moneys in the treasury not otherwise appropriated.

§ 3. This act shall take effect immediately.

Chap. 645.

AN ACT in relation to printing in penal institutions in the state.

Became a law April 29, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. No printing or photo-engraving shall be done in any state prison, penitentiary or reformatory for the state or any political division thereof, or for any public institution owned or managed and controlled by the state or any such political division except such printing as may be required for or used in the penal and state charitable institutions, and the reports of the state commission of prisons and the superintendent of prisons, and all printing required in their offices.

§ 2. This act shall take effect immediately.

Chap. 646.

AN ACT to repeal chapter two hundred of the laws of eighteen hundred and ninety, entitled "An act in relation to the burial or other disposition of dead bodies in the town of Newtown, in the county of Queens."

Accepted by the city.

Became a law April 29, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Chapter two hundred of the laws of eighteen hundred and ninety, entitled "An act in relation to the burial or other disposition of dead bodies in the town of Newtown, in the county of Queens," is hereby repealed.

§ 2. This act shall take effect immediately.

Chap. 647.

AN ACT to amend chapter three hundred forty-two of the laws of eighteen hundred eighty-nine, entitled "An act to revise, amend and consolidate the several acts relating to the village of Cortland and to repeal certain acts and parts of acts," in relation to the assessment of taxes for the maintenance and repairs of sewers.

Became a law April 29, 1898, with the approval of the Governor.
Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one of title seven of chapter three hundred forty-two of the laws of eighteen hundred eighty-nine, entitled "An act to revise, amend and consolidate the several acts relating to the village of Cortland, and to repeal certain acts and parts of acts," is hereby amended by adding a new subdivision following subdivision ten, to be known as subdivision ten-a, and to read as follows:

10a. A sum sufficient to pay the current expenses of the maintenance and repairs of the sewers of said village, not exceeding one thousand five hundred dollars.

§ 2. This act shall take effect immediately.

Chap. 648.

AN ACT authorizing the fisheries, game and forest commissioners to establish a fish hatchery in the county of Delaware, and making an appropriation therefor.

Became a law April 30, 1898, with the approval of the Governor.
Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

**Erection of
hatchery.**

Section 1. The fisheries, game and forest commissioners are hereby authorized to erect a fish-hatching establishment in Delaware county, for the purpose of restocking such lakes and streams as such commissioners may deem necessary, provided that the temperature of the water and location is found to be satisfactory to such commissioners.

§ 2. The sum of five thousand dollars, or so much thereof as ^{Appropriation.} may be necessary, is hereby appropriated for the purposes of this act, and shall be paid to the fisheries, game and forest commissioners by the state treasurer upon the warrant of the comptroller as the same may be required.

§ 3. This act shall take effect immediately.

Chap. 649.

AN ACT to amend chapter five hundred and fifty-three of the laws of eighteen hundred and ninety-five, entitled "An act in relation to the supreme court in the first judicial district and the appellate division thereof in the first department," as amended by chapter nine hundred and fifty-nine of the laws of eighteen hundred and ninety-five, chapter three hundred and sixty-two of the laws of eighteen hundred and ninety-six, and chapter six hundred and fifty-six of the laws of eighteen hundred and ninety-seven.

Accepted by the city.

Became a law April 30, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section ten of chapter five hundred and fifty-three ^{Act amended.} of the laws of eighteen hundred and ninety-five, entitled "An act in relation to the supreme court in the first judicial district and the appellate division thereof in the first department," is hereby amended to read as follows:

The law library located in The City of New York, known ^{Law library of appellate division.} as the New York Law Library, shall be the law library of the appellate division of the supreme court in the first department, and shall be in the care and custody and under the control of the said justices of the said appellate division, now or hereafter appointed, who shall be the trustee thereof, and shall be vested with all the powers with regard thereto now possessed by the justices of the supreme court in the first judicial district, and who shall designate the place within The City of New York where the said library shall be kept. But the salary of the librarian of the said law library, to be fixed by the said appellate ^{Salary of librarian.} division, shall not exceed twenty-five hundred dollars per annum. In addition to such powers, the said justices of the appellate ^{Assistant librarian.}

Consolidation of libraries.

division, now or hereafter designated, are authorized to appoint an assistant to the said librarian, the salary of said assistant to be the same as that of the said librarian to be paid in like manner as the salary of the librarian. The law libraries of the superior court of The City of New York and of the court of common pleas of said city and county shall be consolidated, and the books therein shall be the law library of the supreme court in the first district, and the said assistant to the librarian of the law library of the appellate division shall act as the librarian of the said law library of the supreme court of the first district.

§ 2. This act shall take effect immediately.

Chap. 650.

AN ACT to amend chapter three hundred and seventy-eight of the laws of eighteen hundred and ninety-seven, entitled "An act to unite into one municipality, under the corporate name of The City of New York, the various communities lying in and about New York harbor, including the city and county of New York, the city of Brooklyn and the county of Kings, and part of the county of Queens, and to provide for the government thereof," relative to leases for public purposes.

Accepted by the city.

Became a law April 30, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Charter amended.

Section 1. Section two hundred and seventeen of chapter three hundred and seventy-eight of the laws of eighteen hundred and ninety-seven, entitled "An act to unite into one municipality, under the corporate name of The City of New York, the various communities lying in and about New York harbor, including the city and county of New York, the city of Brooklyn and the county of Kings, and part of the county of Queens, and to provide for the government thereof," is hereby amended so as to read as follows:

Leases for public purposes.

§ 217. All applications to lease any real estate for the purposes of The City of New York, including the premises required in accordance with law, for armories and drill rooms and places of deposit for the safe-keeping of arms, uniforms, equipments, accoutrements and camp equipage of the national guard, must be presented to and passed upon by the commissioners of the sinking

fund of said city. It shall be the duty of the comptroller, after due inquiry to be made by him, to present to the said commissioners a statement, in writing, of the facts relating to any real estate proposed to be leased, the purposes for which such lease is required by the city, with his opinion, and the reasons therefor, as to the fair and reasonable rent of said premises. The said commissioners upon such report, and upon such further inquiry as they, in their discretion, may make, may authorize a lease of such premises as shall be specified in their resolution, at the rent therein set forth, for a period not exceeding five years, except that a lease for an entire building intended to provide accommodations for more than one department of the city, may be made for a period not to exceed twenty-one years; but such lease shall not be authorized except at a fair and reasonable rent, and unless the commissioners are satisfied, and shall so express, that it would be for the interests of the city that a lease of the premises for the purposes specified should be made. Without the consent of the said commissioners, the premises leased shall not be used during the period of the lease for purposes other than specified in said resolution. If the city shall, prior to the making of the lease, have entered upon the possession of the property, the lease may be made to commence as of the date when the occupation commenced.

§ 2. This act shall take effect immediately.

Chap. 651.

AN ACT to amend chapter two hundred and sixty-six of the laws of eighteen hundred and eighty-four, entitled "An act in relation to the salaries of stenographers of the city court of New York."

Accepted by the city.

Became a law April 30, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one of chapter two hundred and sixty-six of the laws of eighteen hundred and eighty-four is hereby amended so as to read as follows:

§ 1. The annual salary of each of the official stenographers of the city court of New York shall hereafter be three thousand dollars, and shall be paid in equal monthly payments.

§ 2. This act shall take effect immediately.

Chap. 652.

AN ACT to amend chapter three hundred and seventy-eight of the laws of eighteen hundred and ninety-seven, entitled "An act to unite into one municipality, under the corporate name of The City of New York, the various communities lying in and about New York harbor, including the city and county of New York, the city of Brooklyn and the county of Kings, the county of Richmond and part of the county of Queens, and to provide for the government thereof," relative to school buildings.

Accepted by the city.

Became a law April 30, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Charter amended.

Section 1. Section ten hundred and fifty-five of chapter three hundred and seventy-eight of the laws of eighteen hundred and ninety-seven is hereby amended so as to read as follows:

Title to school property.

§ 1055. The title to all property, real and personal, now or that may hereafter be acquired for school or educational purposes, except the state normal school at Jamaica, and also the title to all property, real and personal, purchased for school or educational purposes with any school moneys, whether derived from the issue of bonds or raised by taxation in The City of New York, shall be vested in The City of New York, as constituted by this act, but shall be under the care and control of the board of education and of the school boards of the various boroughs, as provided in this act, for the purposes of public education, recreation and other public uses. Suits in relation to such property shall be brought in the name of the said board of education. The said city of New

Care and control.

Power to take property by devise, etc.

York shall have power to take and hold any property, real or personal, devised or bequeathed or transmitted to it for the purposes of education in said city; but such property shall be under the care and control of the board of education and of the school boards of the various boroughs, as provided by this act, for the purposes of public education, recreation and other public uses in said city.

§ 2. This act shall take effect immediately.

Chap. 653.

AN ACT to legalize, ratify and confirm the election of certain persons as supervisors in the county of Monroe.

Became a law April 30, 1898, with the approval of the Governor.

Passed, a majority being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The election of Byron A. Diver as supervisor of the town of Rush, in the county of Monroe, and of Oscar E. Nichols ^{Election of supervisors legalized.} as supervisor of the town of Ogden, in the county of Monroe, and of Edward E. Frisbee as supervisor of the town of Greece, in the county of Monroe, at the annual town meeting in said towns, held on the first day of March, eighteen hundred and ninety-eight, is hereby legalized, ratified and confirmed, notwithstanding that at or prior to the election of said persons as supervisors they or any of them, were trustees of a school district, and the said persons so elected shall serve the respective terms to which they were elected as supervisors of said towns, respectively, notwithstanding that they, or any of them, may not have been eligible under section fifty of chapter five hundred and sixty-nine of the laws of eighteen hundred and ninety.

§ 2. This act shall take effect immediately.

Chap. 654.

AN ACT to amend the insurance law, in relation to town and county co-operative insurance corporations.

Became a law April 30, 1898, with the approval of the Governor.

Passed, a majority being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section two hundred and seventy-eight of chapter six hundred and ninety of the laws of eighteen hundred and ninety-two, entitled "An act in relation to insurance corporations, constituting chapter thirty-eight of the general laws," as amended by chapter six hundred and eighty-seven of the laws of eighteen hundred and ninety-three, is hereby amended so as to read as follows:

§ 278. **Limitation of business; extension of territorial limits.** No corporations formed under the provisions of this article, or any such corporation formed under any similar act repealed by this chapter, shall transact business in more than five counties, which shall be designated in the certificate of incorporation. Any such corporation organized and doing business under the provisions of any act repealed by this chapter, or which may be hereafter organized and do business under the provisions of this article, in one county; or two or more adjoining counties, may extend its business into any number of counties, not exceeding five in all, by filing in the office of the clerk of such adjoining county or counties a duly certified copy of the certificate and statement filed in the office of the secretary of state under the provisions of section two hundred and sixty-three, and filing in the office of the secretary of state and of the county clerk of each county comprised in its territorial limits, a certificate signed by at least two-thirds of its directors, stating the counties in which such corporation proposes to do business; and upon filing such certificates and certified copies herein provided, any such corporation shall possess all the business and corporate powers, rights and privileges in the counties named in such certificate, not exceeding five, and be subject to the same liabilities as if originally organized under a certificate specifying the same counties as the territorial limits of such corporation. Any such corporation so organized and so extending and doing business in five counties may extend its business into any number of adjoining counties, not exceeding that number in all, which shall be equal to one county for each full million of dollars of its insured property in force at the time of any such extension, except that companies organized exclusively for the purposes of insuring cheese factories and creameries and their contents may extend to any number of counties not exceeding one county for each full one hundred thousand dollars of insurance in force, and such extension or extensions shall be made in all respects in the manner herein provided.

§ 2. This act shall take effect immediately.

Chap. 655.

AN ACT to amend the public officers law.

Became a law April 30, 1898, with the approval of the Governor.

Passed, a majority being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section twenty-eight of chapter six hundred and eighty-one of the laws of eighteen hundred and ninety-two, known as the public officers law is hereby amended so as to read as follows:

§ 28. Filling vacancies in office of officer appointed by governor and senate. A vacancy which shall occur during the session of the senate, in the office of an officer appointed by the governor by and with the advice and consent of the senate, shall be filled in the same manner as an original appointment. Such a vacancy occurring or existing otherwise than by expiration of term, while the senate is not in session, shall be filled by the governor for a term which shall expire at the end of twenty days from the commencement of the next meeting of the senate.

§ 2. This act shall take effect on the first day of January, eighteen hundred and ninety-nine.

Chap. 656.

AN ACT to amend the railroad law, in relation to substituted lines in cases of eminent domain.

Became a law April 30, 1898, with the approval of the Governor.

Passed, a majority being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Article one of chapter five hundred and sixty-five of the laws of eighteen hundred and ninety, entitled "An act in relation to railroads, constituting chapter thirty-nine of the general laws," and known as the railroad law, is hereby amended by adding at the end thereof a new section, to be known as section twenty-two, and to read as follows:

§ 22. Substituted lines in cases of eminent domain. Where a portion of a steam surface railroad or branch thereof, shall be

specifically authorized by statute to be taken for any other public use, and such portion lies wholly outside of any city, any corporation owning or operating such portion may locate, as provided in section six of this article, and may construct and operate, in substitution for such portion, and with proper connections with the former line, a new line of steam surface railroad, wholly or partly in the same or any adjoining county, and wholly outside of any city, and not exceeding twenty-five miles in length, in the manner, with the powers and subject to the limitations and requirements provided in this chapter with respect to steam surface railroads.

§ 2. This act shall take effect immediately.

Chap. 657.

AN ACT to regulate the sale of merchandise and to prevent misleading and dishonest representations in connection therewith.

Became a law April 30, 1898, with the approval of the Governor.
Passed, a majority being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Any firm, person, corporation or association of persons, or any employe of such or any of such, who in the newspapers or other periodicals of this state, or in public advertisements, or in communications intended for a large number of persons knowingly makes or disseminates any statements or assertions of facts with respect to his, its or their business affairs concerning the quantity, the quality, the value, the price, the method of production or manufacture or the fixing of the price of his, its, or their merchandise or professional work; or the manner or source of purchase of such merchandise; or the possession of awards, prizes or distinctions; or the motive or purpose of a sale, intended to have the appearance of an advantageous offer, which is or are untrue or calculated to mislead, shall be guilty of a misdemeanor.

§ 2. This act shall take effect immediately.

Chap. 658.

AN ACT conferring jurisdiction upon the court of claims to hear, audit and determine the claim of Thomas Gilgan against the state of New York.

Became a law April 30, 1898, with the approval of the Governor.
Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Jurisdiction is hereby conferred upon the court of claims to hear, audit and determine the claim of Thomas Gilgan against the state of New York for damages alleged to have been sustained by him by reason of the falling of ice and snow upon his premises from the roof of the state armory situate at Watertown, New York, from the year eighteen hundred and eighty-five to the year eighteen hundred and ninety-seven, inclusive, without regard to the statute of limitations, and also for damages alleged to have been sustained by him by reason of water running upon his premises from said armory during the year eighteen hundred and ninety-seven. If the facts proved before said court shall establish that damages have been sustained by said claimant, arising or resulting as hereinbefore stated, said court shall determine the amount of such damage and award to him such sum therefor as shall be just and reasonable, not exceeding the sum of one thousand dollars, provided that said alleged claim shall be filed with said court of claims within one year after the passage of this act.

Jurisdiction to hear claim.

§ 2. Either party may appeal from an order or judgment of the court in the matter, in the manner provided by and within the time limited therefor by chapter thirty-six of the laws of eighteen hundred and ninety-seven.

Appeal from order or judgment.

§ 3. This act shall take effect immediately.

Chap. 659.

AN ACT to amend chapter two hundred and ninety-four of the laws of eighteen hundred and sixty-nine, entitled "An act to incorporate the fire department of the city of Binghamton," and the act amendatory thereof, relative to appropriation for the entertainment of the New York State Firemen's Association.

Accepted by the city.

Became a law April 30, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Act amended.

Section 1. Section two of chapter two hundred and ninety-four of the laws of eighteen hundred and sixty-nine, entitled "An act to incorporate the fire department of the city of Binghamton," as amended by chapter sixteen of the laws of eighteen hundred and eighty-eight, is hereby amended so as to read as follows:

General business and objects of corporation.

§ 2. The general business and objects of said corporation shall be to accumulate a fund for the relief of indigent members of said fire department, disabled while actually doing duty as firemen, and of such persons as shall have become entitled to and have received their certificates of exemption as firemen, and of the families of all the aforesaid persons, which fund shall be appropriated and used in no manner, except that said corporation may purchase a firemen's burial lot in Spring Forest cemetery in said city, and erect thereon a suitable monument in memory of deceased firemen, and erect or cause to be erected a suitable coping or inclosure around said lot, and expend such sum annually as may be necessary to take suitable care of said lot, monument and inclosure; and may also endow a bed in the city hospital for the benefit of firemen who may be disabled while doing duty as firemen, or of indigent members who may be in need of hospital treatment; and may also appropriate and use a sum not exceeding two hundred dollars in each year for the purpose of paying or contributing toward the payment of the usual and ordinary expenses of the annual parade of the said fire department; and may appropriate and use during the year eighteen hundred and ninety-eight a sum not exceeding two thousand dollars for the purpose of paying or contributing towards the expenses of the entertainment of the convention of the New York State Firemen's Association at said city during said year.

Appropriation for annual parade.

For entertaining State firemen's association.

§ 2. This act shall take effect immediately.

Chap. 660.

AN ACT to amend chapter one hundred forty-three of the laws of eighteen hundred sixty-one, entitled "An act to amend and consolidate the several acts in relation to the charter of the city of Rochester," and the several acts amendatory thereof and supplementary thereto.

Accepted by the city.

Became a law April 30, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Title six of the charter of the city of Rochester is hereby amended so as to read as follows: Charter amended.

TITLE VI.

SCHOOLS AND BOARD OF EDUCATION.

§ 123. The commissioners of common schools in said city shall constitute a board to be styled "The Board of Education of the City of Rochester," which shall be a corporate body in relation to all the powers and duties conferred upon it by virtue of this act. The said board shall meet on the first Monday of each and every month, and at such other times as it shall from time to time appoint. Special meetings shall be called by the secretary upon order of the president or upon request of a majority of the said board. A majority of said board shall constitute a quorum for the transactions of business. In the absence of a quorum, a minority of said board may adjourn a meeting from day to day. The said board shall, at the first regular meeting in January of each year, elect one of its members president, who shall, when present, preside at all its meetings. In the absence of the president, the said board shall elect some other member to preside at such meetings and to perform the duties of the president during such absence. Any vacancy in the office of members of the board of education caused by death, resignation or otherwise, shall be filled for the unexpired term by appointment by the mayor of the said city. The person so appointed shall be a member of the same political party as the member whose office shall have become vacant. Board of education. Meetings. Quorum. President. Vacancies in office.

§ 124. Any member of the said board of education may be removed by the mayor of said city upon proof, either of official Removals for cause.

Chap. 659.

AN ACT to amend chapter two hundred and ninety-four of the laws of eighteen hundred and sixty-nine, entitled "An act to incorporate the fire department of the city of Binghamton," and the act amendatory thereof, relative to appropriation for the entertainment of the New York State Firemen's Association.

Accepted by the city.

Became a law April 30, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Act amended.

Section 1. Section two of chapter two hundred and ninety-four of the laws of eighteen hundred and sixty-nine, entitled "An act to incorporate the fire department of the city of Binghamton," as amended by chapter sixteen of the laws of eighteen hundred and eighty-eight, is hereby amended so as to read as follows:

General business and objects of corporation.

§ 2. The general business and objects of said corporation shall be to accumulate a fund for the relief of indigent members of said fire department, disabled while actually doing duty as firemen, and of such persons as shall have become entitled to and have received their certificates of exemption as firemen, and of the families of all the aforesaid persons, which fund shall be appropriated and used in no manner, except that said corporation may purchase a firemen's burial lot in Spring Forest cemetery in said city, and erect thereon a suitable monument in memory of deceased firemen, and erect or cause to be erected a suitable coping or inclosure around said lot, and expend such sum annually as may be necessary to take suitable care of said lot, monument and inclosure; and may also endow a bed in the city hospital for the benefit of firemen who may be disabled while doing duty as firemen, or of indigent members who may be in need of hospital

Appropriation for annual parade.

treatment; and may also appropriate and use a sum not exceeding two hundred dollars in each year for the purpose of paying or contributing toward the payment of the usual and ordinary expenses of the annual parade of the said fire department; and may appropriate and use during the year eighteen hundred and ninety-eight a sum not exceeding two thousand dollars for the purpose of paying or contributing towards the expenses of the entertainment of the convention of the New York State Firemen's Association at said city during said year.

For entertaining State firemen's association.

§ 2. This act shall take effect immediately.

Chap. 660.

AN ACT to amend chapter one hundred forty-three of the laws of eighteen hundred sixty-one, entitled "An act to amend and consolidate the several acts in relation to the charter of the city of Rochester," and the several acts amendatory thereof and supplementary thereto.

Accepted by the city.

Became a law April 30, 1898, with the approval of the Governor.

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TITLE VI.

SCHOOLS AND BOARD OF EDUCATION.

§ 123. The commissioners of common schools in said city shall constitute a board to be styled "The Board of Education of the City of Rochester," which shall be a corporate body in relation to all the powers and duties conferred upon it by virtue of this act. The said board shall meet on the first Monday of each and every month, and at such other times as it shall from time to time appoint. Special meetings shall be called by the secretary upon order of the president or upon request of a majority of the said board. A majority of said board shall constitute a quorum for the transactions of business. In the absence of a quorum, a minority of said board may adjourn a meeting from day to day. The said board shall, at the first regular meeting in January of each year, elect one of its members president, who shall, when present, preside at all its meetings. In the absence of the president, the said board shall elect some other member to preside at such meetings and to perform the duties of the president during such absence. Any vacancy in the office of members of the board of education caused by death, resignation or otherwise, shall be filled for the unexpired term by appointment by the mayor of the said city. The person so appointed shall be a member of the same political party as the member whose office shall have become vacant. Board of education.
Meetings.
Quorum.
President.
Vacancies in office.

§ 124. Any member of the said board of education may be removed by the mayor of said city upon proof, either of official Removals for cause.

misconduct in office, or of negligence of official duties, or of conduct in any manner connected with his official duties, which tends to discredit his office or the school system, or for mental or physical inability to perform his duties as a member of said board; but before such removal of said member he shall receive due and timely notice in writing, of the charges against him, and a copy thereof, and shall be entitled to a hearing on like notice, before the mayor, and to the assistance of counsel on said hearing.

Commis-
sioner's
districts.

§ 125. The said board shall, for the more effective oversight and control of the public schools of said city, and for the purposes prescribed in this act, at the first meeting of the said board after this act takes effect, and the first meeting of the said board in each fiscal year thereafter, divide all the schools of the city into as many commissioner's districts as there shall be members of the said board, and shall assign one such district to each commissioner who shall have special supervision thereof.

Control,
etc., of
property.

§ 126. The said board of education shall manage, control, maintain and provide for the public schools of said city, and the public school system thereof, and shall manage and control the property, real and personal, which shall belong to the said city and be used for the purposes of education, subject only to the general statutes of the state relating to public schools and public school instruction and to the provisions of this act.

Powers of
board.

§ 127. The said board shall have power:

Establish-
ment of
schools.

1. To establish kindergartens, common schools, one or more high schools, manual training schools or classes, evening classes or schools for special studies, training school or classes for teachers, and truant schools, and shall have power to discontinue or consolidate schools. Any training school or high school, heretofore established and maintained by the public school authorities and registered as high schools by the regents of the state of New York, shall be maintained in full efficiency. The said high school shall be so organized as to furnish the benefit of further education to pupils of both sexes, who shall have finished the grammar school course, and to other residents of school age equally prepared, and the said board shall have power to make from time to time for the said high schools all needful rules and regulations, and to prescribe conditions on which pupils shall be received and instructed therein and discharged therefrom.

High
school.

Change of
grades of
schools and
classes.

2. To change the grades of all schools, or of any school, and of all classes of any high school or other schools under its charge,

upon the written recommendation of the superintendent, and upon the same recommendation, to adopt and modify courses of study therefor.

3. To fix a standard of qualification as a necessary requirement for the service of all principals and teachers in the high schools and other schools of the city; which requirement may be higher, but not lower, than the minimum qualifications required by the general laws of the state and the provisions of this act. Standard of qualifications.

4. As herein provided, to purchase, lease or improve sites for school houses, to build, purchase, lease, enlarge, improve, alter and repair school houses and their appurtenances; to purchase, improve, exchange and repair school apparatus, books, furniture and appendages; to procure fuel and defray the contingent expenses of the schools under its control; to pay the wages of all officers, principals, teachers and employes in the said department of education, as herein provided. Purchase, etc., of school buildings and apparatus. Payment of wages.

5. To appoint as herein provided:

a. A secretary of the board of education, who shall serve during the pleasure of the board. Appointments by board.

b. A superintendent of schools, whose term of office shall be four years.

c. A librarian, whose term of office shall be two years.

d. A supervising architect of experience and good standing in his profession, who shall serve during the pleasure of the board.

e. All school principals and teachers.

f. All janitors and truant officers, subject, however, to the restrictions imposed by the general laws of the state.

g. A policeman, who shall hold his office during the pleasure of said board, and whose salary shall be fixed and paid by the board of education from the funds raised for its use, and who shall have the same powers as the other policemen of said city, and shall perform such duties as said board of education may impose.

h. Such other officers, clerks, subordinates and employes as it may deem necessary for the proper discharge of its administrative duties.

6. To fill any vacancies which may occur in any of the offices or positions in this section provided for. Vacancies

7. To allow the children of persons not resident within the city, to attend any of the schools of said city, under the care and control of said board, upon such terms as said board shall by Non-resident pupils.

resolution prescribe, fixing the tuition which shall be paid therefor.

Rules and regulations.

8. Subject to the provisions of law and of this act, to enact rules and regulations for the proper execution of all duties devolved upon the said board, its members and committees; for the transaction of all business pertaining to the same; for defining the duties of all its officers, clerks, superintendent, principals, teachers, examiners, subordinates and employees; for regulating the manner of making disbursements from any of the funds appropriated for school purposes; for the proper execution of all powers vested in it by law and for the promotion of the welfare and best interests of the public schools and public school system of the city in the matters committed to its care.

Salaries and compensation.

§ 128. The said board of education shall fix and regulate, within the proper appropriation of money therefor, the salaries and compensation of each of the persons appointed by it to any office, place or position, pursuant to the powers granted by the preceding section.

Report to state superintendent.

§ 129. The said board of education shall, between the first day of August and the thirtieth day of September, in each year, make and transmit to the state superintendent of public instruction, a report in writing for the state school year ending on the next preceding thirty-first day of July; which report shall be in such form and shall state such facts as the state superintendent and the school laws of the state shall require.

Publication of report.

§ 129^a. It shall be the duty of said board to publish, as herein after provided, in one of the daily papers of said city, a report of the final proceedings of said board for the preceding month.

Statements of receipts and disbursements.

§ 130. It shall be the duty of said board to prepare and transmit, within ten days preceding the close of the fiscal year, to the common council, correct statements of the receipts and disbursements of money under and in pursuance of provisions of this act during said fiscal year, in which account shall be stated, under appropriate heads:

1. The moneys raised by the common council under the provisions of this act.

2. The school moneys received by the city treasurer from the county treasurer or the state.

3. All other moneys received by the city treasurer, subject to the order of the board, specifying the same, and the sources thereof.

4. The manner in which such sums of money shall have been expended, specifying the amount paid under each head of expenditure, and whether any part of any such fund remains unexpended.

5. Whether any and what claims or bills against the department, or obligations incurred by said department, remain unpaid.

6. The said board shall also at the same time certify to the common council the total number of persons registered as pupils in the public schools of the said city during the current fiscal year. Certificate of pupils registered.

§ 131. It shall be the duty of said board of education to certify on or before the first day of March of each year, to the common council, an estimate of the amount of money required to maintain the department of education for the current year, specifying in detail the objects thereof, under appropriate heads: Estimate of amount required for school purposes. |

1. For salaries of teachers
2. For buildings, including purchase of sites.
3. For repairs.
4. For library.
5. For contingent expenses.

§ 132. The common council shall have power and it shall be its duty, if the said estimate, certified by the board of education, as herein provided, shall not exceed in amount a sum equal to twenty-five dollars per capita, based on the total number of persons enrolled as pupils in the public schools in said city, for the year ending on the thirty-first day of December, next preceding the levying of the general city taxes in each year, to appropriate and raise by tax to be levied equally upon the real and personal estate in said city, which shall be liable to taxation for the ordinary city taxes or for the city and county charges, such sum or sums of money, so certified to be necessary for the maintenance of the department of education and to defray the expenses of the said department; but if the total amount of said estimate shall exceed in amount a sum equal to twenty-five dollars per capita, based upon the total number of persons so enrolled as pupils as aforesaid, then the common council may, in its discretion, appropriate and raise by tax, as herein provided, any sum not greater than the estimate so certified and not less than twenty-five dollars per capita, based on said total number of persons so enrolled as pupils as aforesaid, provided, nevertheless, that the tax to be levied as aforesaid, and collected by virtue of this act, shall be collected at the same time and in the same manner as other city Council to appropriate and raise money

Loan in
anticipa-
tion of
taxes.

taxes, and the common council of said city are authorized and directed, when necessary, to raise by loan in anticipation of the taxes, the amount to be raised, collected and levied as aforesaid or any part thereof.

Council to
determine
amount to
be raised.

§ 133. It shall be the duty of the common council within fifteen days after receiving the certificate of the board of education hereinbefore required, of the sum necessary or proper to be raised for school purposes, to determine and certify to said board of education the amount that will be raised by them for the year commencing on the first day of the preceding January for the purposes mentioned in said certificate. The amount raised for school purposes shall constitute five separate and distinct funds, namely: Teachers' fund, contingent fund, building fund, repair fund and library fund, and in case the said common council shall neglect or fail to certify to the board of education, as above specified, the amount that will be raised by them within thirty days, then the said common council shall raise the several amounts embraced in the certificate of the board of education, as specified therein, which amount shall be subject to the disposal of the board of education.

Five funds
consti-
tuted.

Neglect or
failure of
council to
certify
amount

Apportion-
ment of
appropri-
ation to
funds.

§ 134. If the sum appropriated for the department of education, as provided in section one hundred and thirty-three, shall be less than the total amount certified by the said board in said estimate, it shall be the duty of the said board, within fifteen days after receiving the certificate of the common council of the sum appropriated by said common council for the department of education, to apportion the said sum to the teachers' fund, the building fund, the repair fund, the library fund and the contingent fund, and to certify such apportionment to the common council; the said apportionment, so certified, shall constitute the teachers' fund, building fund, repair fund, library fund and contingent fund for the then current year, provided, however, that in such apportionment to such funds, the amount apportioned to any fund shall not exceed the amount originally certified as necessary to be raised for such fund.

Expendi-
tures and
contracts
limited.

§ 135. It shall be the duty of said board, in all their expenditures and contracts, to have reference to the amount of moneys which shall be subject to their order during the then current year for the particular expenditure in question, and not to exceed that amount; and they shall apply the moneys raised and received by them for the support of the common schools in said city, in such a manner

as shall secure as nearly as may be an equal period of instruction to all the children over five and under twenty-one years of age.

§ 136. If before the expiration of the fiscal year, it shall appear that any sum or sums raised by the common council for the board of education, will be inadequate to maintain the department of education to the expiration of such fiscal year, the common council shall have power and may, upon application of the board of education, borrow on the credit of said city, such sum as it may deem necessary to maintain said department of education until the end of such fiscal year, and shall apportion such moneys to the several funds maintained for the benefit of such department.

Power of board to borrow money.

§ 137. All moneys to be raised pursuant to the provisions of this act, and all school moneys by law appropriated to or provided for said city, shall be paid to the city treasurer thereof, who, together with the sureties upon his official bond, shall be accountable therefor in the same manner as for other moneys of said city. The said city treasurer shall be liable to the same penalties for any official misconduct in relation to said moneys, as for any similar misconduct in relation to other moneys of said city.

Moneys payable to city treasurer.

Liability of treasurer.

§ 138. Whenever the board of education shall determine to build or enlarge a school building, it shall cause plans and specifications to be prepared therefor, and shall submit the same to the board of health for approval as to sanitary provision. The board of health shall thereupon and within ten days thereafter certify in writing to the board of education its approval or disapproval of such plans and specifications, and upon the failure of the board of health to so certify, then such plans and specifications shall be deemed to be approved by the board of health. Whenever such plans and specifications shall have been approved by the board of health, either by its certificate of approval or by its failure to disapprove, as above provided, the board of education shall certify to the executive board such plans and specifications, together with a description and plans of the site and of the location of such building thereon; provided, however, that no such certification to the executive board shall be made until appropriations sufficient to provide for the cost of said proposed building or enlargement, shall have been made and credited to the building fund of the department of education. The executive board shall, upon receiving such certification and within thirty days thereafter, advertise for bids as herein provided, and if any bid is satisfactory to said executive

Plans, etc., for school buildings.

Certification to executive board.

Contracts for erection or enlargement of buildings.

board, it shall enter into a contract for the erection of such building or for such enlargement, with stipulation for completion within a reasonable time. The said executive board shall have no power to change or alter such plans and specifications except by the consent and approval of both the board of education and the board of health. If the said executive board shall neglect or fail to enter into such contract for the erection of or enlargement of any building so authorized by the board of education within sixty days from the date of receiving such certification, then the duty of said executive board in relation to the particular building or enlargement shall cease and all the powers and duties conferred upon the executive board in relation thereto shall devolve upon the board of education.

Neglect or failure to enter into contract.

Estimates of work and supplies.

§ 139. Whenever such board of education shall build, enlarge, repair, furnish or supply any school building or buildings, or publish reports of its proceedings, at an estimated expense of not less than fifty or more than two hundred and fifty dollars, it shall be the duty of the officials having jurisdiction, to procure estimates for such work or supplies from two or more competitors, wherever practicable, and report such estimates to the board for its consideration and action. Whenever such board shall build, enlarge, repair, furnish or supply any school building or buildings, or make any improvements or repairs or purchase any supplies, or publish reports of its proceedings, the cost of which will exceed two hundred and fifty dollars, the board shall proceed as follows:

Advertisement for bids.

a. Said board shall advertise for bids for the period of two weeks, at least twice in each week, in two newspapers published in the city of Rochester, and which resolution providing for the same shall be entered in full by the clerk on the record of proceedings of said board.

Bids, filing, etc., of.

b. The bids, duly sealed up, shall be filed with the clerk by twelve o'clock, noon, of the last day, as stated in the advertisement.

c. The bids shall be opened at the next meeting of the board and publicly read by the clerk.

d. Each bid shall contain the name of every person interested in the same, and shall be accompanied by a sufficient guarantee of some disinterested person, that if the bid is accepted, a contract will be entered into and the performance of it properly secured by bonds duly approved.

e. If the work bid for embraces both labor and materials, each must be separately stated, with price thereof.

f. The board may, in its discretion, accept any bid for both labor and material which shall be most advantageous to the city, or it may reject any or all bids, as the interest of the city may require.

§ 140. No member of said board of education shall, during the period he holds said office, be appointed to, or be competent to hold any office of which the emoluments are paid from the city treasury, or paid by any fees directed to be paid by any act or ordinance of the board of education, or be directly or indirectly interested in any contract as principal, surety or otherwise, or the furnishing of any materials or supplies for the city of Rochester, directly or by another person, the expenses or consideration whereof are to be paid under any ordinance, resolution or order of the board of education. No member of said board shall vote for the payment of any such bill for materials or supplies after notice that any member of said board is interested therein or in the payment thereof. Any violation of this section shall be deemed a misdemeanor and punishable as such.

Acceptance or rejection of bids.

Members of board not to hold other office.

Not to be interested in contracts, etc.

When not to vote for payment.

Misdemeanor.

§ 140a. The said board of commissioners shall be trustees of the school library or libraries in said city, and all the provisions of the law which are now or hereafter may be passed relative to the district school libraries, shall apply to the said commissioners. They shall also be vested with the same discretion as to the disposition of all moneys appropriated by any laws of this state for the purchase of libraries which is therein conferred upon the inhabitants of school districts. It shall be their duty to provide for the safe keeping of the library or libraries.

Trustees of libraries.

§ 140b. The secretary of the said board shall have charge of the rooms, books, papers and documents of the board, except such as pertain to the office and duties of the superintendent. He shall perform such duties as may be required of him by the board, its committees or members. He shall have right to administer oaths and take acknowledgments, but without fee. He shall be clerk of the board, and shall keep, or cause to be kept, a record of the proceedings thereof. He shall also keep or cause to be kept a set of records showing the receipts and expenditures separately through each of the different funds of the school board. Said expenditures through each and every fund shall be subdivided so as to show the cost of maintaining each school sepa-

Secretary of board, his duties.

Printed records of board evidence. **rationally, and the supplies used therein. He shall also keep or cause to be kept a series of receipts to be signed by either the principals or janitors certifying to all repairs and improvements made and all supplies received for their respective school buildings and premises. The printed record of said board, or a transcript thereof, certified by the president or clerk, shall be received in all courts as prima facie evidence of the facts therein set forth, and such records and all the books, accounts, vouchers and papers of said board shall at all times be subject to the inspection of the common council and of any committee thereof. He shall also collect and pay into the city treasury monthly all tuition fees.**

Tuition fees.

Eligibility to position of superintendent.

§ 140c. To be eligible to the position of superintendent, an applicant must be a graduate of a college or university recognized by the regents of the state of New York, together with at least ten years' successful experience as a practical educator.

Powers and duties of superintendent.

§ 140d. The superintendent has power and it is his duty to enforce the laws of the state applicable to the public schools of the city of Rochester, and all the rules and regulations of the said board of education, except as herein provided. He shall visit the schools of the city as often as he can consistently with his other duties, and inquire into the character of the instruction, management and discipline, and shall advise and encourage the pupils, teachers and officers thereof. He shall prescribe, subject to the rules of the board and the provisions herein, suitable registers, blanks, forms and regulations for making of all reports and for conducting all necessary business connected with the school system, and he shall cause the same, with such information and instructions as he shall deem conducive to the proper organization and government of the schools, to be transmitted to the persons entrusted with the execution of the same. He shall report to the said board, from time to time, as he may be required or as he may deem necessary, a statement of the condition of the schools, and all such matters relating to his office, and such plans and suggestions for the improvement of the schools and for the advancement of public instruction in the city of Rochester as he shall deem expedient. He may appoint and define the duties of such clerks as are authorized by the board. He shall have the recommendation of the number of teachers necessary for each of the several schools. He shall assign sup-

ply teachers to duty whenever occasion requires, and may transfer temporarily principals, teachers and pupils from one school to another. It shall be his duty to maintain proper discipline in the management and conduct of the schools, and he may, in his discretion, suspend or expel any pupil guilty of misconduct or insubordination, and may suspend for cause any teacher, principal or employee. He shall immediately report such discipline to the board. It shall be his duty to report to the board inefficiency on the part of principals, teachers or employees. He shall nominate special teachers and supervisors. He shall enforce the compulsory education law and direct truant officers in the discharge of their duties. He shall maintain his office in such buildings as the board may direct and he shall not be required to perform any duty except such as relates to the educational work of the department.

§ 140e. A principal, under the general supervision of the superintendent shall have the direction of the school over which he is placed, shall assign the teachers to their respective grades in the school and direct them as to methods of instruction and discipline. He may suspend any teacher for a definite time for inefficiency or insubordination. He shall report immediately such suspension with reasons therefor to the superintendent. Principals.

§ 140f. The librarian shall have, subject to the rules and regulations of the said board, the general direction of the library, the custody and care of the books; shall supervise the letting out and the return thereof; make all purchases of books; have bound or cause to be repaired, the damaged books belonging thereto; appoint and remove, with the approval of the board, such assistants, clerks or employees, as the board may authorize; collect and account for fines and enforce penalties which may be incurred by violation of regulations relating to the library. Librarian.

§ 140g. It shall be the duty of the supervising architect, subject to the rules and regulations of the said board, to inspect school buildings, prepare plans and specifications for new buildings, annexes and repairs, and to supervise the construction thereof. Supervising architect.

§ 140h. A board of examiners is hereby constituted, whose duty it shall be to examine all applicants for positions of principal or teacher in the public schools of Rochester, and to prepare an eligible list of such applicants as they may deem qualified, and as Board of examiners.

hereinafter provided, classified as to position and graded according to scholarship, character and general fitness. Such board of examiners shall consist of the superintendent together with two persons appointed by the said board of education, upon nomination of the superintendent. The term of service of the two persons so appointed shall be at the pleasure of the said board of education. They shall be paid such compensation for services actually rendered as the said board of education shall prescribe.

Eligibility
to appoint-
ment of
examiner.

To be eligible to appointment as examiner, an applicant must be (a) a graduate of a college or university recognized by the regents of the state of New York, and a practical educator, having had at least five years' successful experience immediately preceding his appointment and since his graduation; or (b) must have a state certificate obtained as a result of an examination, held since eighteen hundred and seventy-five, together with at least ten years' successful experience in teaching since obtaining such certificate. No principal or teacher in the public schools of Rochester shall be allowed to serve on the said board of examiners. The said board of examiners shall hold such examination as the superintendent may prescribe, not less than one or more than three a year, and prepare the said eligible list. The superintendent shall report the said list to the said board of education and shall transcribe the same into a book which shall be open to public inspection. Any name placed upon the eligible list shall be entitled to remain thereon without further examination for the period of two years, after which the name shall be dropped from said list and shall not be restored thereto except after a new examination.

Examina-
tions.

Board for
appoint-
ment of
principals.

§ 140i. The chairman of the teachers' committee, together with the commissioner of the commissioner's district and the superintendent shall constitute a board for the appointment, by and with the approval of the said board of education, of principals for each school in said commissioner's district from the first ten names certified by the said board of examiners, as qualified for principalship. They shall certify to the said board of education the appointments made by them and may at any time, before approval, withdraw from the consideration of the said board, any such appointments; provided that no person shall be appointed to the position of principal of the free academy or high school, or of a grammar school, or teacher in the free academy or high school who is not a graduate of a college or university recognized

Qualifica-
tions of
principal.

by the regents of the state of New York, and has not had at least two years successful experience as a teacher. In the same manner as prescribed for the appointment of principals, the commissioner for a commissioner's district, together with the superintendent and the principal of a school, shall constitute a board for the appointment to said school, of teachers from the first twenty-five names on said eligible list for teachers; provided, that no person shall be appointed as teacher in a grammar school or kindergarten, who is not a graduate of a normal school after a course of study therein of at least two years, or has not pursued a course in pedagogy in a state training school or a city training school for one year. The said board of education shall consider such appointments and upon approval any such appointments shall be final. The failure of the board of education to disapprove any appointment of principal or teacher for fifteen days after such appointment shall have been submitted for its action thereon shall be equivalent to the approval by said board of education of such appointment.

Board for appointment of teachers.

Qualifications of teachers.

Failure of board to disapprove appointments.

§ 140j. Any principal or teacher who may have been appointed to the same school for three successive years, may, upon the recommendation of the superintendent, be promoted by the said board of education to permanent service in said school during good behavior; thereafter, they may be suspended or removed as herein provided, only for cause and after a hearing. Any principal or teacher before such promotion, shall be eligible to reappointment without certification by the said board of examiners.

Promotion of principal or teacher.

Eligibility to reappointment.

§ 140k. The said board of education shall from time to time designate the number of persons having the highest standing upon the said certified lists of qualified principals and teachers respectively, who shall be eligible for temporary appointments as supply principals and teachers. From the number so designated, the superintendent shall from time to time, assign to duty at the several schools such principals or teachers for temporary service as he may deem the exigencies of such schools to require.

Designation of persons eligible to temporary appointments.

Assignment to duty.

§ 140l. Any officer, principal or teacher in the employ of the said department of education, at the time of the passage of this act, shall be exempt from the conditions as to qualifications or eligibility imposed by this act.

Exemption of present officers, principals, etc.

§ 140m. The said board of education may suspend any principal or teacher for a definite time, and may for cause remove any officer, principal, teacher or employe, provided, however, that no officer,

Removals for cause.

Suspensions.

principal or teacher shall be removed until opportunity for a hearing at a meeting of the board shall have been given. All suspensions by principals shall be subject to review by the superintendent. Suspensions by the superintendent shall be subject to review by the board. Any person suspended shall not be entitled to salary for time of suspension unless such suspension is revoked by superior authority.

Ordinances and regulations.

§ 141. Said board of education shall prepare and report to the common council such ordinances and regulations as may be necessary or proper for the protection, safe keeping and preservation of the school houses, lots and sites and appurtenances, and all the property belonging to the city connected with or appertaining to the schools, and to suggest proper penalties for the violation of such ordinances and regulations.

Power of council as to ordinances, etc.

§ 141a. The common council of the said city shall have the power to pass such ordinances and regulations as the said board of education may report as necessary or proper for the protection, safe keeping, care and preservation of the schoolhouses, lots, sites, appurtenances and appendages, libraries and all necessary property belonging to, or connected with the schools in said city, and to impose proper penalties for the violation thereof, subject to the restrictions and limitations contained in this charter; and all such penalties shall be collected in the same manner that the penalties for the violation of city ordinances are by law collected, and when collected shall be paid to the treasurer of the city, and be subject to the order of the board of education, in the same manner as other moneys raised pursuant to this charter.

Penalties for violations.

Sale of school property.

§ 141b. The common council of said city may, upon the recommendation of the board of education hereinafter mentioned, sell any of the schoolhouses, lots or sites, or any other school property now or hereafter belonging to said city, upon such terms as the said common council may deem reasonable. The proceeds of such sale shall be paid to the treasurer of the city and shall be by the said common council again expended in the purchase, repairs or improvements of other schoolhouses, lots, sites or school furniture, apparatus or appurtenances.

Proceeds of sale.

Investigation of charges.

§ 141c. The common council may investigate any and all charges, claims or proceeding of or made against the said board of education, its officers and employees, or in any way relating to said public schools of said city, and have all the powers and authority

which are conferred by law upon any committee or board which is authorized to send for persons and papers.

§ 141d. The title to all property, real or personal, now held by the city of Rochester for school or educational purposes, or which may be hereafter acquired for such purposes, and the title to all property, real or personal, purchased for like purposes with any school moneys, whether derived from the issue of bonds or raised by taxation, shall be vested in the city of Rochester. The said city of Rochester shall have power to take and hold any property, real or personal, devised, bequeathed or otherwise transmitted to it for the purposes of education in said city. All actions affecting any such property shall, however, be brought by or against said board of education in its corporate capacity.

Title to property.
Power to hold property.
Actions affecting property.

§ 141e. Each of the several wards of the city of Rochester shall constitute one school district for all purposes except as herein otherwise provided, and the schools therein shall be free to all children between the ages of five and twenty-one years residing in such wards, and all evening schools shall be free to all persons over five years of age.

School districts.
Schools free to children.

§ 141f. No order shall be drawn for payment of any bills or claims against the said department until the same has been approved by the auditor.

Orders for payment of bills.

§ 2. All acts or parts of acts inconsistent herewith are hereby repealed except chapter thirty-eight of the laws of eighteen hundred and ninety-eight.

Repeal.

§ 3. This act shall take effect on and after the first day of December, eighteen hundred and ninety-eight.

When takes effect.

Chap. 661.

AN ACT to further amend chapter twenty-six of the laws of eighteen hundred and eighty-five, entitled "An act to revise, amend and consolidate the several acts in relation to the city of Syracuse, and to revise and amend the charter of said city," and the acts amendatory thereof.

Accepted by the city.

Became a law April 30, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one hundred and forty-two of chapter twenty-six of the laws of eighteen hundred and eighty-five, en-

City charter amended.

titled "An act to revise, amend and consolidate the several acts in relation to the city of Syracuse, and to revise and amend the charter of said city," as amended by chapter nine hundred and fifty of the laws of eighteen hundred and ninety-five, and chapter three hundred and twenty-one of the laws of eighteen hundred and ninety-six, is hereby further amended so as to read as follows:

Certificate
of cost of
local im-
prove-
ment.

§ 142. Upon the completion of any local improvement, the commissioner of public works shall certify the fact to the common council and the total cost thereof, including the cost of inspection and all other expenses incidental to such improvement.

Plans and
specifica-
tions.

Whenever the common council shall undertake any local improvement, the plans, specifications and quantities prepared therefor shall be prepared for doing the same with each kind of material, and, in case said proposed improvement is the paving of a street, avenue, square, alley or public place, with each kind of pavement specified in the petition therefor, in case such pavement or material is specified in the petition, and if not so specified, then with any kind of pavement or material directed by the common council; and different plans and specifications may be prepared for doing the work with each kind of material or pavement specified; and proposals shall be advertised for pursuant to the provisions of this chapter for doing work with each kind of material or pavement petitioned for or designated and under each plan and according to each set of specifications prepared; and after the bids shall have been received the common council may de-

Advertise-
ment for
proposals.

Determina-
tion as to
materials,
etc.

termine which kind of material or pavement shall be used and under which plan and specifications the work shall be done, unless prior to such letting a petition shall be presented to the common council, signed by a majority of all the resident owners representing at least two-fifths of all the feet front of property fronting the street, avenue, alley or public place in or along which said improvement is to be made, specifying the kind of pavement or material to be used, in which case the material or pavement so petitioned for shall be designated by the common council; and the contract, when awarded, shall be awarded to the lowest bidder for doing the work with the kind of material or pavement and under the plans and specifications determined on. When any plans, specifications or estimates shall be prepared or contract let for the paving or repaving of any street, avenue, square, alley or public place, such plans, specifications and estimates shall in-

Contract.

Grading of
streets.

clude the grading of said street whenever the same shall be necessary for the carrying out of such improvement. Whenever such total cost shall exceed the sum of one thousand dollars, the common council may, in its discretion, direct the issue of local improvement bonds in amount not exceeding in the aggregate nine-tenths of such total cost; such bonds may be issued at such times, in such denominations, upon such terms, and at such rate of interest as may be fixed by the common council, not exceeding five per centum per annum; one-ninth of which shall mature in one year, one-ninth in two years, one-ninth in three years, one-ninth in four years, one-ninth in five years, one-ninth in six years, one-ninth in seven years, one-ninth in eight years one-ninth in nine years from the date of issue; provided that the amount issued at any one time shall not exceed in the aggregate the aggregate sum of nine-tenths of the city's share, and the sum remaining unpaid by other property owners assessed, as shall be certified by the city treasurer at the expiration of the sixty days mentioned in section one hundred and forty-five of said chapter, of the cost of all local improvements, with reference to which local improvement bonds shall have been theretofore authorized by the common council but not issued. Such bonds shall be executed by the mayor and city clerk under the corporate seal of said city, and shall be issued at not less than the par value thereof. In case the amount of the bonds issued at any one time shall, for any reason, not equal the aggregate amount for which bonds may be issued pursuant to the provisions of this section, the balance of said aggregate sum, over and above the bonds so issued, may be added to and go to make up the aggregate sum for which local improvement bonds may be issued pursuant to any subsequent resolution of the common council. The proceeds of the sale of such bonds shall be applied first to pay up and retire the notes or other evidences of indebtedness that may have been issued to raise money to make advances or payments to contractors on contracts for such improvements in anticipation of the levying, collection or payment of the assessments made therefor, or in anticipation of the issuing of said bonds; and second, towards the payment of the costs of such improvements. Such part of the proceeds of the assessment for such improvement, hereinafter provided for, as shall be necessary shall be applied in payment and redemption of the bonds hereby

Issue of
local
improve-
ment
bonds.

Proviso.

Applica-
tion of pro-
ceeds of
sale.

Payment
of bonds
from pro-
ceeds of as-
sessment.

Advances
to con-
tractor.

Issue of
certificates
to con-
tractor.

Temporary
loans or
refunding
of bonds.

Payment
of loan.

authorized, with interest thereon as provided therein, as the same shall become due and payable. The surplus, if any, shall be credited to the contingent fund. The common council may during the progress of the work upon any local improvement, upon the certificate of the commissioner of public works that a portion thereof has been completed in accordance with the terms of the contract therefor, estimating the value of the parts so performed at the contract price therefor, advance to the contractor upon the contract price a sum not exceeding seventy-five per centum of the estimate so given; such advance payment to be refunded out of the proceeds of the assessment for such work, or the bonds issued on account thereof; or may issue to the contractor certificates of partial completion to the amount of seventy-five per centum of the estimate and a certificate of final completion to the amount of such contract price less the amount retained pursuant to said contract, which said certificates shall bear interest at the rate of five per centum per annum from the date of their issue, and be payable from the assessment to be made for such improvement, or, in case local improvement bonds are issued on account thereof, nine-tenths out of the proceeds of such bonds and one-tenth out of the moneys collected upon the first installment of the assessment made therefor. If sufficient moneys have not been realized upon said assessment—or upon the first installment of such assessment, in case local improvement bonds are issued on account thereof—after the expiration of the sixty days mentioned in section one hundred and forty-five of this act, or to pay said certificates or one-tenth of the amount thereof in case local improvement bonds shall have been issued; or if sufficient moneys have not been realized upon any other installment within the sixty days mentioned in said section to pay said local improvement bonds, when the same shall be due and payable, the common council may temporarily borrow on the credit of the city a sum sufficient to pay the same; such sum so borrowed to be repaid from the moneys thereafter collected on such assessment or installment thereof or from sales from nonpayment of such assessment as provided in said section one hundred and forty-five of this act, or said bonds may be refunded pursuant to the provisions of this act and all moneys thereafter realized on account of said assessment, or from sales for nonpayment of assessments therein shall be used for the payment of the amount so borrowed and for

the payment of such bonds, in case bonds are issued. No contract shall be entered into for doing or making any work or improvement, the expense of which is to be assessed locally, until the assessment therefor has been confirmed, and the assessment-roll delivered to the treasurer as provided in this act; except that the common council may order any street or a part of a street cleaned, sprinkled or watered, in addition to such work at the time already contracted for by the city, and the city may enter into a contract therefor, upon the petition of one-third in number of the resident property owners along the line of such improvement as provided in section one hundred and thirty-nine of this act, or without petition as provided in section one hundred and fifty-three of this act before the assessment therefor has been confirmed. The city engineer shall include in the plans, specifications and quantities for the improvement of any street, avenue, square, alley or public place, by paving or otherwise, which shall hereafter be ordered, the specifications and quantities of work, and material necessary to be done and furnished for the purpose of making connections with the pavements or grade in all streets crossing the one in which such improvement is to be made, and for connecting the termination of such improvement with the work and grade on the street. The expense of making such connections shall be included in the assessment ordered to defray the expenses of the improvement.

Requirements before contract.

Exception as to street cleaning and sprinkling.

Plans, etc., for connections with pavements, etc.

Expenses of connections.

§ 2. Section one hundred and forty-five of said chapter as amended by chapter nine hundred and fifty of the laws of eighteen hundred and ninety-five, is hereby further amended so as to read as follows:

§ 145. The city treasurer on the delivery to him of a local assessment-roll shall enter the name of the same and the total amount thereof in his books. He shall publish a notice in each of the official papers stating that the assessment-roll, naming and describing it, has been received by him, and that it will be held by him for two weeks, after which he will proceed with the collection thereof. After the expiration of said two weeks, he shall proceed as hereinafter directed, unless in the meantime, notice has been served on him, pursuant to law, that a writ of certiorari has been issued, or has been applied for, or an action has been begun to review said assessment-roll, or to test the legality thereof, in which case he shall hold the said assessment-roll for two additional weeks,

Duty of treasurer as to assessments.

Notice of receipt of roll.

Proceedings thereafter.

and shall, after expiration of said additional time, proceed as hereinafter directed, unless the court or the common council shall order him to return the said assessment-roll to the common council, or the proceedings to collect or enforce said assessment-roll are stayed by the court. If said assessment-roll shall not be returned by him to the common council pursuant to its order, or the order of the court, and the proceedings to collect or enforce the same be not stayed, he shall then give notice to the city clerk of those facts, whereupon the contract for the improvement for which said assessment was made shall be executed by the proper officers; and when the work on said improvement, and for which said roll was made, shall actually begin, the city treasurer shall publish a notice in five successive numbers of each of the official papers that the roll, naming it, is in his hands, and that any assessment therein may be paid to him at any time before the expiration of the ten days from the first publication of the notice without any addition. The commissioner of public works shall notify the treasurer of the beginning of any work. The said treasurer shall receive the taxes on said assessment-roll for the first ten days without fee; for ten days thereafter at one per centum fee; for the next twenty days at three per centum fee; and for the succeeding twenty days at five per centum fee. If any taxes remain unpaid at the expiration of the sixty days herein mentioned, the said treasurer shall proceed to collect the same, with the fees thereon and interest at the rate of twelve per centum per annum, in the same manner as directed in this act for the collection of county or city taxes by distress and sale; provided that in any case when the common council shall issue local improvement bonds, as authorized by section one hundred and forty-two of this chapter, as amended, the payment of one-tenth of every such tax shall become due and payable at the time or times, and subject to the penalties above prescribed; one-tenth thereof with one year's interest thereon added at the rate of five per centum per annum shall become due and payable one year thereafter, subject thereafter to the same penalties, and all provisions for the enforcement and collection of said assessment; one-tenth thereof with two years' interest thereon added at the rate of five per centum per annum shall become due and payable two years thereafter; subject thereafter to the same penalties and provisions; one-tenth thereof with three

Notice of
receiving
assess-
ments.

Collection
of same.

Collection
of unpaid
assess-
ments by
distress
and sale.

Payment
of install-
ments.

years' interest thereon added at the rate of five per centum per annum shall become due and payable three years thereafter, subject thereafter to the same penalties and provisions; one-tenth thereof with four years' interest thereon added at the rate of five per centum per annum shall become due and payable four years thereafter, subject thereafter to the same penalties and provisions; one-tenth thereof with five years interest thereon added at the rate of five per centum per annum shall become due and payable five years thereafter, subject thereafter to the same penalties and provisions; one-tenth thereof with six years' interest thereon added at the rate of five per centum per annum shall become due and payable six years thereafter, subject thereafter to the same penalties and provisions; one-tenth thereof with seven years' interest thereon added at the rate of five per centum per annum shall become due and payable seven years thereafter, subject thereafter to the same penalties and provisions; one-tenth thereof with eight years' interest thereon added at the rate of five per centum per annum shall become due and payable eight years thereafter, subject thereafter to the same penalties and provisions; one-tenth thereof, with nine years' interest thereon added, at the rate of five per centum per annum, shall become due and payable nine years thereafter, subject, thereafter, to the same penalties and provisions. In case of any default in payment of any installment within sixty days after the same becomes due and payable as above provided, the whole amount of the tax assessed for such improvement against the person or persons so in default, with the fees above described, computed upon such whole amount, shall thereupon become and be due and payable; and the treasurer shall proceed to collect the same, with the fees and interest thereon, at the rate of twelve per centum per annum, in the manner above prescribed. Any such tax, or installment of tax, which shall remain unpaid for sixty days after the same shall become due, as above provided, shall, to the extent that the same remains unpaid, on the first day of September succeeding the expiration of said sixty days, be added to and included by said treasurer in the annual tax-roll of that year, and the same proceedings taken for the collection thereof as are prescribed in this act for the collection of city taxes. The treasurer shall retain each local assessment so that at all times payments may be made thereon until the assessment is added to the annual tax-roll as herein provided. All local

Collection
of unpaid
install-
ments.

Addition
of assess-
ment to
annual tax-
roll.

Lien of
assess-
ments.

assessments, when added to the annual tax-roll, shall be liens to the same extent as taxes levied in the annual tax-roll and the same interest and fees be charged and payable upon them. Every assessment for local improvements shall become a lien upon the property assessed upon the first publication by the treasurer of the notice that he has received the roll containing such assessment. A writ of certiorari may be granted to review and determine the legality of the assessment for local improvements by any court of competent jurisdiction upon the application of any person or persons aggrieved thereby. The owner of a separate parcel of land may unite with one or more owners of other parcels of land assessed, or attempted to be assessed, in the same assessment-roll in the application for such writ; such writ shall be applied for in the form and manner prescribed in, and the subsequent proceedings thereupon shall comply with the provisions of article seven of title two of chapter sixteen of the code of civil procedure relating to the writ of certiorari to review the determination of an inferior tribunal, except as in this section otherwise provided. No such application shall be entertained unless it be made to appear on such application that the person or persons making the application will sustain substantial injury and damage to his or their property rights by reason of the illegalities or irregularities complained of nor unless such person or persons, or some of them, shall have previously made complaint in relation to such assessment to the assessors, pursuant to law, or shall have filed objections to such roll with the city clerk pursuant to law; but the proceeding to review such assessment by writ of certiorari shall not be confined to any grounds of complaint or objection which were presented to said assessors, or in the said objections filed with the city clerk, but any objection may be raised thereon based upon any defect, irregularity, error, or illegality, including the question of jurisdiction in the common council to entertain the proceeding upon which said assessment is based, existing in said assessment-roll or in the proceedings on which it is based at the time of the delivery of said roll to the treasurer. Such writ may be applied for at any time after the said assessment-roll shall have been confirmed by the resolution of the common council, although such resolution may not have been approved by the mayor, and can only be applied for before the ex-

Writ of
certiorari
to review
assess-
ment.

Subse-
quent pro-
ceedings.

Applica-
tion, when
entertained.

Proceed-
ings to re-
view by
writ of
certiorari.

Applica-
tion for
writ.

piration of two weeks from and after the publication by the treasurer of the first notice required by this section to be published by him, namely, that such roll has been received by him. The said writ of certiorari shall be directed to the city of Syracuse, which shall be known as the defendant. It may be served by delivering a copy thereof to the mayor or the corporation counsel, and a copy to the treasurer or his deputy, unless the court shall otherwise direct. Only one return to said writ shall be made, and it may be verified by any one or more of said officers, or by an assessor of the city. The return shall not be conclusive. Upon the return being filed the case may be heard at a general or special term of the court, and either party may notice it for a hearing. If, upon the hearing, it shall appear to the court that testimony is necessary to the proper disposition of the matter, the court may take evidence, or may appoint a referee to take such evidence as the court may direct, and report the same to the court, and such testimony shall constitute a part of the proceedings upon which the determination of the court shall be made. The court shall have power at any stage of the proceeding to order any necessary or proper parties to be brought in by amendment upon such terms as shall be just, and to direct how notice, if required, shall be given to them by personal service or by publication, and thereafter all parties so notified shall be bound by the proceeding, and the court shall have power to appoint an attorney to represent unknown or unrepresented parties, and to order the reasonable costs and expenses of all parties so brought in, otherwise than upon their own motion, to be paid by the city. If it be established that the assessment is illegal for any reason the court may order that said assessment be cancelled as to the party or parties applying for said writ and confirm and sustain the same as to all others, or may order that the whole assessment be cancelled, and the same shall thereupon be cancelled by the treasurer and other proper officers of the city. Where it is alleged or established that the said assessment is irregular or defective on account of any imperfect description of the lands sought to be assessed, or any defect or irregularity which can be corrected without prejudice to any of the parties interested therein or affected thereby, the court may order the assessment-roll so corrected or amended or may order that the assessment-roll be returned to the common council to annul

To whom directed.

Service of writ.

Return.

Hearing and powers of court thereupon.

Cancellation of assessment.

Correction or amendment of roll.

Payment of assessment during pendency of writ.

Action to determine legality of assessment.

Contracts and proceedings prior to passage of act.

Publication of notice of assessment.

or correct it pursuant to law. The parties applying for said writ of certiorari, or any of them, may pay their assessments upon the said assessment-roll at any time, notwithstanding the pendency of said writ. In case it shall be determined that the assessment-roll is illegal for any reason after the assessments or any of them have been paid, the court may make such orders in regard to restitution to the parties to said proceeding and to others as shall be necessary to protect the rights of all parties, and may enforce said orders as judgments in an action. An action may be brought in any court having jurisdiction thereof to determine the legality of an assessment for local improvements, and in such action the owner of a separate parcel of land may unite with one or more owners of other parcels assessed, or attempted to be assessed, in the same assessment-roll. Such action shall be brought prior to the completion of the work for which said assessment is levied, and no relief shall be granted to the plaintiff or plaintiffs based upon any defects, illegalities, irregularities or errors in said assessment-roll, or the proceedings upon which it is based, which could have been reviewed and corrected by a writ of certiorari issued pursuant to the provisions of this section, nor unless the defects, illegalities or irregularities complained of will work substantial injury and damage to the property rights of such plaintiff or plaintiffs. The provisions of this section and sections one hundred and forty-two, one hundred and forty-three, one hundred and forty-four of this chapter, as amended, shall apply to contracts and proceedings let or instituted prior to the passage of this act so far as practicable, and on the passage of this act the common council shall have the power and authority to make the estimate and order the assessment provided for in section one hundred and forty-two of this chapter as amended, and the subsequent proceedings thereon shall be the same as provided in this act. If the work on such contract, or contracts, shall have been commenced at the time of the passage of this act, the said treasurer shall, after the expiration of the first two weeks specified in this section in case no notice has been served on him pursuant to the provisions of this act, and after the expiration of said additional two weeks if said notice be served, unless the court or common council shall order him to return said assessment-roll to the common council or the proceedings to collect or enforce said assessment are stayed by the court as provided in this title,

publish the notice provided in this section, that said roll, naming it, is in his hands, and that any assessment thereon may be paid to him as provided in this section, and thereupon payment shall become due and be made thereon and further proceedings be had as in this section provided.

§ 3. This act shall take effect immediately.

Chap. 662.

AN ACT to amend section sixteen hundred and seventy-eight of the code of civil procedure, in relation to the sale of real property.

Became a law April 30, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section sixteen hundred and seventy-eight of the code of civil procedure is hereby amended to read as follows:

§ 1678. **Sale; notice of; how conducted.** A sale made in pursuance of any provision of this title, must be at public auction to the highest bidder. Notice of such sale must be given by the officer making it, as prescribed in section fourteen hundred and thirty-four of this act for the sale by a sheriff of real property, by virtue of an execution, unless the property is situated wholly or partly in a city in which a daily, semi-weekly or tri-weekly newspaper is published, and, in that case, by publishing notice of the sale in such a daily, semi-weekly or tri-weekly paper, at least twice in each week for three successive weeks, or in a weekly paper published in a city, once in each of the six weeks, immediately preceding the sale, or in the counties of New York and Kings in two such daily papers. If the officer appointed to make such sale does not appear at the time and place where such sale has been advertised to take place, then in that case the attorney for the plaintiff may postpone or adjourn such sale, not to exceed four weeks, during which time such attorney may make application to the court to have another person appointed to make such sale. Notice of the postponement of the sale must be published in the paper or papers wherein the notice of sale was published. The terms of the sale must be made known at the sale, and if the property, or any part thereof, is to be sold subject to the right of dower, charge or lien,

that fact must be declared at the time of the sale. If the property consists of two or more distinct buildings, farms or lots they shall be sold separately, unless otherwise ordered by the court; and provided, further, that where two or more buildings are situated on the same city lot, they be sold together.

§ 2. This act shall take effect September first, eighteen hundred and ninety-eight.

Chap. 663.

AN ACT to amend the penal code by inserting therein a new section, to be known as section six hundred and nineteen-a, relative to the issuing and use of transfer tickets upon street surface railroads.

Became a law April 30, 1898, with the approval of the Governor.
Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Code
amended.

Section 1. The penal code is amended by inserting therein a new section, to be known as section six hundred and nineteen-a, and to read as follows:

Issuing
and use of
transfer
tickets on
street sur-
face rail-
roads.

§ 619a. No transfer ticket or written or printed instrument giving, or purporting to give, the right of transfer to any person or persons from a public conveyance operated upon one line or route of a street surface railroad to a public conveyance upon another line or route of a street surface railroad, or from one car to another car upon the same line of street surface railroad, shall be issued, sold or given except to a passenger lawfully entitled thereto. Any person who shall issue, sell or give away such a transfer ticket or instrument as aforesaid to a person or persons not lawfully entitled thereto, and any person or persons not lawfully entitled thereto who shall receive and use or offer for passage any such transfer ticket or instrument, or shall sell or give away such transfer ticket or instrument to another with intent to have such transfer ticket used or offered for passage after the time limited for its use shall have expired, shall be guilty of a misdemeanor.

§ 2. This act shall take effect immediately.

Chap. 664.

AN ACT to amend the code of criminal procedure, and to repeal sections two and six of chapter four hundred and ninety of the laws of eighteen hundred and eighty-five, entitled "An act concerning tramps," in relation to vagrants and tramps.

Became a law April 30, 1898, with the approval of the Governor.
Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The code of criminal procedure is hereby amended by adding thereto a new section, to be section eight hundred and eighty-nine, and to read as follows:

§ 889. Examination as to residence. When complaint is made to any magistrate by any citizen or peace officer against a person under sections one, five or six of section eight hundred and eighty-seven, the magistrate must, upon the examination of such person, cause testimony to be taken as to his residence, and if it appears that such person has not resided in the county for a period of six months prior to his arrest, such magistrate shall not commit such person as a vagrant, as provided by this article; but if he finds that such person is guilty of an offense charged in one of such subdivisions, and such person is not blind or under sixteen years of age, the magistrate shall adjudge him to be a tramp, and commit him to a penitentiary, as required by law. On such examination the uncorroborated testimony of the defendant as to his place of residence shall not be deemed sufficient proof thereof.

§ 2. Section eight hundred and ninety-one of the code of criminal procedure is hereby amended to read as follows:

§ 891. Vagrant, when to be convicted; form of certificate of conviction. If the magistrate be satisfied, from the confession of the person so brought before him, or by competent testimony, that he is a vagrant, and has resided in the county for a period of six months prior to his arrest, he must convict him, and must make and sign, with his name and office, a certificate substantially in the following form:

"I certify that A B, having been brought before me, charged with being a vagrant, I have duly examined the charge, and that upon his own confession in my presence (or 'upon the testimony

of C D,' et cetera, naming the witnesses), by which it appears that he is a person (pursuing the description contained in the subdivision of section eight hundred and eighty-seven, which is appropriate to the case), and (if convicted under subdivisions one, five or six of section eight hundred and eighty-seven) that he has resided in the county of for a period of six months immediately prior to his arrest, I have adjudged that he is a vagrant. "Dated at the town (or city) of, the day of 18...

"E F,

"Justice of the peace of the town of," (or as the case may be).

§ 3. Section eight hundred and ninety-two of the code of criminal procedure is hereby amended to read as follows:

§ 892. Certificate to constitute record of conviction, and to be filed; commitment of vagrants. The magistrate must immediately cause the certificate which constitutes the record of conviction, together with the testimony taken before him as to the residence of such vagrant, to be filed in the office of the clerk of the county, and must, by a warrant signed by him, with his name of office, commit the vagrant, if not a notorious offender and a proper object for such relief, to the county poorhouse, if there be one, or to the almshouse or poorhouse of the city, village or town, for not exceeding six months at hard labor, or, if the vagrant be an improper person to be so committed, he must be committed for a like term to the county jail. In those counties of the state where the distinction between county poor and town poor is maintained, the expense of the conviction and maintenance during the commitment of any vagrant committed to any one of the places of confinement above specified, who shall, at the time of such commitment, have obtained a legal settlement in one of the towns of the county in which said persons shall be convicted, shall be a charge upon the town where they may reside at the time of such commitment.

§ 4. The code of criminal procedure is hereby amended by adding thereto a new section, to be section eight hundred and eighty-seven-a, thereof and to read as follows:

§ 887a. Tramp defined. A tramp is any person, not blind, over sixteen years of age, and who has not resided in the county in which he may be at any time for a period of six months prior thereto, who

1. Not having visible means to maintain himself, lives without employment; or

2. Wanders abroad and begs, or goes about from door to door, or places himself in the streets, highways, passages or public places to beg or receive alms; or

3. Wanders abroad and lodges in taverns, groceries, ale-houses, watch or station houses, outhouses, market places, sheds, stables, barns or uninhabited buildings, or in the open air, and does not give a good account of himself.

§ 5. Sections two and six of chapter four hundred and ninety of the laws of eighteen hundred and eighty-five, entitled "An act concerning tramps," are hereby repealed.

§ 6. This act shall not apply to cities of the first and second class.

§ 7. This act shall take effect September first, eighteen hundred and ninety-eight.

Chap. 665.

AN ACT to amend chapter two hundred and eighty-six, laws of eighteen hundred and seventy-one, entitled "An act to amend an act entitled An act to incorporate the Orphan Asylum Society in the city of Utica, passed March twenty-six, eighteen hundred and fifty-six."

Accepted by the city.

Became a law April 30, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section two of chapter two hundred and eighty-six laws of eighteen hundred and seventy-one, entitled "An act to revise and amend the act to incorporate the Orphan Asylum Society in the city of Utica," is hereby amended so as to read as follows: Charter amended.

The sole object of said society shall be the support and education of orphan children; but the trustees and managers of said society may, under such regulations as they shall from time to time adopt, admit children who have one parent living, to a participation in the benefits of said society. The said corporation may, for the purposes of the society, take by gift, grant, Object of society.
Power to take and hold property.

devise (subject to all provisions of law relative to devises and bequests by last will and testament), bequest or purchase, and hold real and personal estate to an amount not exceeding five hundred thousand dollars.

§ 2. This act shall take effect immediately.

Chap. 666.

AN ACT to amend chapter two hundred and seventy-two of the laws of eighteen hundred and sixty-four, entitled "An act to incorporate the trustees of the Masonic Hall and Asylum Fund," and the act amendatory thereof.

Became a law April 30, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Charter
amended.

Section 1. Section two of chapter two hundred and seventy-two of the laws of eighteen hundred and sixty-four, entitled "An act to incorporate the trustees of the Masonic Hall and Asylum Fund," as amended by chapter one hundred and five of the laws of eighteen hundred and ninety, is hereby amended so as to read as follows:

Corpo-
rators.

§ 2. The corporation hereby created shall consist of not less than three nor more than seven persons, who shall be elected, designated, or chosen in such other manner, and for such term, as the Grand Lodge of Free and Accepted Masons of the State of New York shall determine at its annual communication in June, eighteen hundred and ninety-eight; and whose successors shall be elected, designated, or chosen in such other manner, and in such number not exceeding seven nor less than three, and for such term, and subject to such power of removal, as the said Grand Lodge may, from time to time by its constitution prescribe.

Election,
etc., of
successors.

§ 2. Section three of chapter two hundred and seventy-two of the laws of eighteen hundred and sixty-four, entitled, "An act to incorporate the trustees of the Masonic Hall and Asylum Fund," is hereby amended so as to read as follows:

Real and
personal
estate.

§ 3. The corporation hereby created is hereby authorized and empowered to take and hold real and personal estate by gift, purchase, legacy or devise, to an amount not exceeding five millions of dollars, for the purposes of its corporation, subject to the limitations now prescribed by law.

§ 3. Section four of chapter two hundred and seventy-two of the laws of eighteen hundred and sixty-four, entitled, "An act to incorporate the trustees of the Masonic Hall and Asylum Fund," is hereby amended so as to read as follows:

§ 4. It shall be the object of the corporation hereby created to build and maintain a Masonic hall in the city of New York for the meetings of the Grand Lodge, or General Assembly of Masons, and for the accommodation of other Masonic bodies or associations, and out of the funds derived from the rent or income thereof, or other sources, to build, establish and maintain an asylum or asylums, a home or homes, a school or schools, for the free education of the children of Masons, and for the relief, support and care of worthy and indigent Masons, their wives, widows and orphans. Object of corporation.

§ 4. All acts, or parts of acts, inconsistent herewith are hereby repealed. Repeal.

§ 5. This act shall take effect on the first Tuesday in June, eighteen hundred and ninety-eight. When takes effect.

Chap. 667.

AN ACT to amend the town law, in relation to the fees of magistrates and peace officers in connection with the arrest of tramps and vagrants.

Became a law April 30, 1898, with the approval of the Governor.
Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one hundred and sixty-five of chapter five hundred and sixty-nine of the laws of eighteen hundred and ninety, entitled "An act in relation to towns, constituting chapter twenty of the general laws," as amended by chapter four hundred and fifty-eight of the laws of eighteen hundred and ninety-three, is hereby amended to read as follows:

§ 165. Fees of officers in criminal proceedings. The fees of magistrates and other officers for services in criminal proceedings, for or on account of an offense which a court of special sessions has not jurisdiction to try shall be a county charge, if the magistrate had jurisdiction of

the proceedings in which the services were rendered. The fees of magistrates and other officers in other criminal proceedings, or in criminal actions tried before a magistrate of the town where the offense is charged to have been committed shall be a charge against such town. The fees of a magistrate or officer in issuing or serving process for an offense committed in a town other than that in which such magistrate resides, and of which a court of special sessions has jurisdiction to try, or which a magistrate has jurisdiction to hear and determine, and the fees of a magistrate in the trial or examination of a person brought before him by reason of the absence or inability to act of the magistrate before whom he is directed by the warrant to be brought, charged with such an offense committed in a town other than that in which the magistrate before whom such person is brought resides, shall, in either case, be a charge against the town in which such offense was committed. Except as provided in this section no fees shall be allowed either as a town or county charge to a magistrate or other officer, for services in a criminal action or proceeding, before a magistrate of one town for or on account of an offense charged to have been committed in another town, and which a court of special sessions has jurisdiction to try, or which a magistrate has jurisdiction to hear and determine. The fees of a magistrate and the fees and mileage of a peace officer in connection with the arrest, examination, conviction and commitment of a tramp, or of a vagrant under subdivisions one, five or six of section eight hundred and eighty-seven of the code of criminal procedure, may be fixed by the board of town auditors, if any, and otherwise by the town board of the town, or the board of supervisors of the county, to which the same are chargeable, not exceeding the amount now allowed by law; and when so fixed, shall supersede as to such town or county any other provision of law fixing fees or mileage in such case.

§ 2. This act shall take effect immediately.

Chap. 668.

AN ACT to amend section sixty-eight of article two of chapter four hundred and fourteen of the laws of eighteen hundred and ninety-seven, entitled An act in relation to villages, constituting chapter twenty-one of the general laws.

Became a law April 30, 1898, with the approval of the Governor.
Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section sixty-eight of article two, of chapter four hundred and fourteen of the laws of eighteen hundred and ninety-seven, entitled An act in relation to villages, constituting chapter twenty-one of the general laws, is hereby amended so as to read as follows:

§ 68. Continuance of separate boards. If a village now has a separate board of fire, water, light, sewer or cemetery commissioners, such commissioners shall continue in office during their respective terms, and no commissioners shall be hereafter appointed until the whole number be reduced by expiration of term or otherwise, to less than three, except that in a village of the third class the commissioner or commissioners last appointed shall cease to be a commissioner from and after the passage of this act, until the number be reduced to three, and except that if a village of the first or second class now has a board of commissioners composed of five members, such number shall be continued. All such commissioners shall hereafter be appointed by the board of trustees; and the terms shall be so adjusted that one shall expire each official year.

§ 2. This act shall take effect immediately.

Chap. 669.

AN ACT to amend chapter two hundred and fifty-five of the laws of eighteen hundred and ninety-two, entitled "An act to authorize the several towns of this state to establish lamp or lighting districts outside the limits of any incorporated village or villages therein, and to provide for the lighting of the public buildings, streets, avenues, highways and public places in said districts," and the act amendatory thereof, relating to petitions for such districts.

Became a law April 30, 1898, with the approval of the Governor.
Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section two of chapter two hundred and fifty-five of the laws of eighteen hundred and ninety-two, as amended by chapter seventy-nine of the laws of eighteen hundred and ninety-three, is hereby amended so as to read as follows:

§ 2. No such contract shall be made unless a petition for such lighting signed by not less than twenty-five of the taxable inhabitants of said town shall be filed with the town clerk of said town, nor in the county of Queens unless signed by a majority of the resident taxable inhabitants of such lamp or lighting district.

§ 2. This act shall take effect immediately.

Chap. 670.

AN ACT to amend chapter one hundred and fourteen of the laws of eighteen hundred and sixty-nine, entitled "An act to amend 'An act to consolidate and amend the several acts relating to the village of Watkins, and to enlarge the powers of the corporation of said village,' passed April third, eighteen hundred and sixty-one."

Became a law April 30, 1898, with the approval of the Governor.
Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section eight of chapter one hundred and fourteen of the laws of eighteen hundred and sixty-nine, is hereby amended to read as follows:

§ 8. The said police justice shall have and exercise the same powers and jurisdiction in all criminal cases as justices of the peace and courts of special sessions now have or shall have jurisdiction within the several towns of this state. He shall have sole and exclusive jurisdiction of all the criminal matters, except felonies, within the village of Watkins, of which justices of the peace or courts of special sessions now have or shall have. He shall also have complete jurisdiction of all matters arising out of the violation of any of the laws, by-laws or ordinances of said village, and for the collection of all unpaid taxes or assessments provided for in this act, and shall be entitled to receive and collect the same fees in civil actions or proceedings as justices of the peace are entitled to receive for similar purposes. He shall have power, in cases of persons brought before him charged with being disorderly persons within the meaning of this act, to proceed summarily and without a jury to try such persons and hear and determine the charges alleged against them. He shall, in all things relating to the mode and manner of procedure in his court, or in the arrangement or trial or examination of parties accused, be governed by the same laws and rules as justices of the peace, of courts of special sessions, and upon conviction may impose such punishment by fine or imprisonment, or both, as is or may be provided by the general statutes. In case any person shall be found guilty of any such acts or offenses as constitute him a disorderly person within the meaning of this act, the police justice may impose upon him a fine not exceeding fifty dollars and commit him as in other cases by this act provided; or the police justice may punish such disorderly person by imprisonment in the county jail of the county of Schuyler or penitentiary of another county of this state in cases provided by law or for a term not exceeding one hundred days, or by both such fine or imprisonment. To enforce the payment of any fine imposed by this charter or by the by-laws or ordinances of this village, in addition to other powers, the police justice shall have power to commit the person fined for a number of days certain not exceeding the number of dollars of the fine to the Schuyler county jail or to any jail or place of confinement that may be erected or provided in this village; provided, however, any person so committed may be transferred to a penitentiary in another county of this state in the cases and manner provided by law for the commitment by justices of

Police justice, his powers and jurisdiction.

Salary and
expenses.

Acting
police
justice.

Magistrate
defined.

Concur-
rent juris-
diction of
justices of
peace.

the special sessions, to a penitentiary. He shall also have power to take affidavits and acknowledgments subject to the same rules and in all cases where he could were he a justice of the peace of Schuyler county. The salary of said police justice shall be fixed by the board of trustees, and shall not exceed four hundred dollars per annum, payable monthly, and he shall receive or retain no other compensation in any criminal matter except felonies arising within the corporate limits of this village. The said salary and expenses allowed by the board of trustees shall be raised by the said village in like manner as the salaries of other village officers, as herein provided. In case of temporary absence, removal or inability of said police justice to act or to perform the duties of said office, or of a temporary vacancy in the office of police justice, the president of the board of trustees, or, in his absence, any trustee shall appoint a new justice of the peace of the town of Dix or Reading residing within said village, acting police justice, who shall have all the powers and jurisdiction and be subject to all the duties and requirements which are vested in and imposed upon said police justice by this act, and who shall render a like account and be entitled to the compensation the board of trustees may allow; and which the trustees may, in their discretion, deduct from the salary of said police justices; such appointment shall be in writing, and shall be filed in the office of the village clerk, and shall remain in force until said police justice shall resume his duties. When acting in his official capacity, the police justice shall, in issuing processes, affix to his name the title "police justice," and any other justice of the peace of said towns while acting as and for the police justice shall add to his official title "acting police justice." Whenever the word "magistrate" is used in this act it shall be construed to mean the police justice of said village or the justice of the peace appointed to act temporarily in his stead. The police justice shall have concurrent jurisdiction with the justices of the peace of all criminal matters within that part of the town in which said village is situated, of which the justices of the peace and courts of special sessions thereof now have or shall have.

§ 2. This act shall take effect immediately.

Chap. 671.

AN ACT to prevent fraudulent representation in labor organizations.

Became a law April 30, 1898, with the approval of the Governor.
Passed, a majority being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Any person who represents himself or herself to be a member of, or who claims to represent a labor organization which does not exist within the state, at the time of such representation, or who has in his or her possession a credential, certificate or letter of introduction bearing a fraudulent seal, or bearing the seal of a labor organization which has ceased to exist, and does not exist at the time of such representation, and attempts to gain admission by the use of said credential, certificate or letter of introduction, as a member of any convention, or meeting of representatives of labor organizations of the state, shall be guilty of a ^{Fraudulent representation in labor organization.} misdemeanor and upon conviction thereof shall be punishable by a fine of not less than twenty dollars nor more than fifty dollars, and imprisonment for not less than ten days nor more than thirty days in the jail of the county wherein such conviction is had, or by both such fine and imprisonment.

§ 2. This act shall take effect immediately.

CONCURRENT RESOLUTIONS
OF THE
SENATE AND ASSEMBLY.

CONCURRENT RESOLUTION

Proposing amendments to article three, sections two, six and twenty-two, article four, section three, and article ten, section six of the constitution, relating to biennial sessions of the legislature and appropriation bills.

Section 1. Resolved (if the assembly concur), That the several articles and sections of the constitution hereinafter specified be amended to read as follows:

Article three. § 2. The senate shall consist of fifty members, except as hereinafter provided. The assembly shall consist of one hundred and fifty members. Senators shall be chosen for four years and members of the assembly for two years.

Article three. § 6. Each member of the legislature shall receive for his services an annual salary of one thousand dollars. The members of either house shall also receive the sum of one dollar for every ten miles they shall travel in going to and returning from their place of meeting, once in each session, on the most usual route. Senators, when the senate alone is convened in extraordinary session, or when serving as members of the court for the trial of impeachments, and such members of the assembly, not exceeding nine in number, as shall be appointed managers of an impeachment, shall receive an additional allowance of ten dollars a day.

Article three. § 22. A general bill making appropriations for the support of government, or a supply bill, shall not embrace any provision or enactment which does not specifically relate to some particular item in the bill; and any such provision or enactment shall be limited in its operation to such appropriation.

Article four. § 3. The governor and lieutenant-governor shall be elected at the times and places of choosing members of the assembly. The persons respectively having the highest number of votes for governor and lieutenant-governor shall be elected; but in case two or more shall have an equal and highest number of votes for governor, or for lieutenant-governor, the two

CONCURRENT RESOLUTIONS.

houses of the legislature at its next regular session shall forthwith, by joint ballot, choose one of the said persons so having an equal and the highest number of votes, for governor or lieutenant-governor.

Article ten. § 6. The political year and the legislative term shall begin on the first day of January. The legislature shall assemble on the first Wednesday of January in the year nineteen hundred, and in the year nineteen hundred and one, and thereafter biennially on the same day. It shall also assemble on the same day in the year next following the return of an enumeration of the inhabitants of the state under this constitution, for the purpose, only, of making an apportionment of senators and members of the assembly; and such session, for that purpose, shall be deemed a regular session.

§ 2. Resolved (if the assembly concur), That the foregoing amendments be referred to the legislature to be chosen at the next general election of senators, and, in conformity to section one, article fourteen of the constitution, be published for three months previous to the time of such election.

STATE OF NEW YORK.
IN SENATE, February 22, 1898.

The foregoing resolution was duly passed,
a majority of all the senators elected voting
in favor thereof.

By order of the senate,
JAMES WHIPPLE,
Clerk.

STATE OF NEW YORK.
IN ASSEMBLY, March 3, 1898.

The foregoing resolution was duly passed,
a majority of all the members elected to the
assembly voting in favor thereof.

By order of the assembly,
A. E. BAXTER,
Clerk.

CONCURRENT RESOLUTION

Proposing an amendment to section two of article six of the constitution.

Section 1. Resolved (if the assembly concur), That section two of article six of the constitution be amended so as to read as follows:

§ 2. The legislature shall divide the state into four judicial departments. The first department shall consist of the county of New York; the others shall be bounded by county lines, and be compact and equal in population as nearly as may be. Once every ten years the legislature may alter the judicial departments, but without increasing the number thereof. There shall be an appellate division of the supreme court, consisting of seven justices in the first department, and of five justices in each of the other departments. In each department four shall constitute a quorum, and the concurrence of three shall be necessary to a decision. No more than five justices shall sit in any case. From all

the justices elected to the supreme court the governor shall designate those who shall constitute the appellate division in each department; and he shall designate the presiding justice thereof, who shall act as such during his term of office, and shall be a resident of the department. The other justices shall be designated for terms of five years or the unexpired portions of their respective terms of office, if less than five years. From time to time as the terms of such designations expire, or vacancies occur, he shall make new designations. A majority of the justices so designated to sit in the appellate division in each department shall be residents of the department. He may also make temporary designations in case of the absence or inability to act of any justice in the appellate division, or in case the presiding justice of any appellate division shall certify to him that one or more additional justices are needed for the speedy disposition of the business before it. Whenever the appellate division in any department shall be unable to dispose of its business within a reasonable time, a majority of the presiding justices of the several departments at a meeting called by the presiding justice of the department in arrears may transfer any pending appeals from such department to any other department for hearing and determination. No justice of the appellate division shall exercise any of the powers of a justice of the supreme court, other than those of a justice out of court, and those pertaining to the appellate division or to the hearing and decision of motions submitted by consent of counsel. From and after the last day of December, eighteen hundred and ninety-five, the appellate division shall have the jurisdiction now exercised by the supreme court at its general terms and by the general terms of the court of common pleas for the city and county of New York, the superior court of the city of New York, the superior court of Buffalo and the city court of Brooklyn, and such additional jurisdiction as may be conferred by the legislature. It shall have power to appoint and remove a reporter. The justices of the appellate division in each department shall have power to fix the times and places for holding special and trial terms therein, and to assign the justices in the departments to hold such terms; or to make rules therefor.

§ 2. Resolved (if the assembly concur), That the foregoing amendment be referred to the legislature to be chosen at the next general election of senators, and that in conformity to section one, article fourteen of the constitution, it be published three months previous to the time of such election.

STATE OF NEW YORK,
IN SENATE, February 16, 1898. }

The foregoing resolution was duly passed,
a majority of all the senators elected voting
in favor thereof

By order of the senate,
JAMES S. WHIPPLE,
Clerk.

STATE OF NEW YORK,
IN ASSEMBLY, March 24, 1898. }

The foregoing resolution was duly passed,
a majority of all the members elected to the
assembly voting in favor thereof.

By order of the assembly,
A. E. BAXTER,
Clerk.

CONCURRENT RESOLUTION OF THE SENATE AND ASSEMBLY

Proposing an amendment to article six, section seven of the constitution, relating to the court of appeals.

Section 1. Resolved (if the assembly concur), That section seven of article six of the constitution be amended to read as follows:

§ 7. The court of appeals is continued. It shall consist of the chief judge and associate judges now in office, who shall hold their offices until the expiration of their respective terms, and their successors, who shall be chosen by the electors of the state. The official terms of the chief judge and associate judges shall be fourteen years from and including the first day of January next after their election. Five members of the court shall form a quorum, and the concurrence of four shall be necessary to a decision. The court shall have power to appoint and to remove its reporter, clerk and attendants. Whenever and as often as a majority of the judges of the court of appeals shall certify to the governor that said court is unable, by reason of the accumulation of causes pending therein, to hear and dispose of the same with reasonable speed, the governor shall designate not more than four justices of the supreme court to serve as associate judges of the court of appeals. The justices so designated shall be relieved from their duties as justices of the supreme court and shall serve as associate judges of the court of appeals until the causes undisposed of in said court are reduced to two hundred, when they shall return to the supreme court. The governor may designate justices of the supreme court to fill vacancies. No justice shall serve as associate judge of the court of appeals except while holding the office of justice of the supreme court, and no more than seven judges shall sit in any case.

§ 2. Resolved (if the assembly concur), That the foregoing amendment be referred to the legislature to be chosen at the next general election of senators; and that, in conformity with section one, article fourteen of the constitution, it be published for three months previous to the time of such election.

STATE OF NEW YORK. }
IN SENATE, March 25, 1898. }

The foregoing resolution was duly passed,
a majority of all the senators elected voting
in favor thereof.

By order of the senate,
JAMES S. WHIPPLE,
Clerk.

STATE OF NEW YORK. }
IN ASSEMBLY, March 29, 1898. }

The foregoing resolution was duly passed,
a majority of all the members elected to the
Assembly voting in favor thereof.

By order of the assembly,
A. E. BAXTER,
Clerk.

We hereby certify, that at a joint convention of the Senate and Assembly of the State of New York, held pursuant to law in the Assembly Chamber, on the ninth day of February, 1898, for the

purpose of electing a State Superintendent of Public Instruction, a joint ballot was duly taken by the Senate and Assembly for the purpose of electing said superintendent;

It appeared upon such joint ballot that the whole number of votes cast for State Superintendent of Public Instruction was 187, of which Charles R. Skinner, of Watertown, Jefferson county, received 111; Dr. James Lee, of New York, received 76.

Charles R. Skinner having received a majority of the votes cast upon such joint ballot, was duly declared elected State Superintendent of Public Instruction for the term of three years, commencing on the seventh day of April, 1898.

Witness our hands and seals of the Senate and Assembly,
at the Capitol, in the city of Albany, this ninth day of
February, 1898.

TIMOTHY L. WOODRUFF,
President of the Senate.

JAMES S. WHIPPLE,
Clerk of the Senate.

JAMES M. E. O'GRADY,
Speaker of the Assembly.

A. E. BAXTER,
Clerk of the Assembly.

(Seal.)

(Seal.)

Indorsed:

Filed May 3, 1898.

ANDREW DAVIDSON,
Deputy Secretary of State.

NEW TOWNS ERECTED OR TOWN BOUNDARIES ALTERED AND ESTABLISHED BY BOARDS OF SUPERVISORS.

At the annual meeting of the Board of Supervisors of the county of Schoharie, held in their rooms in the village of Schoharie, on the 16th day of November, 1897, all the members of said board being present. Mr. Jenkins of Schoharie, offered the following, which was duly adopted and passed by said board:

In the Matter of the Establishing and Defining of the Boundary Line between the Towns of Schoharie and Esperance, Schoharie County, N. Y.

On reading and filing the proof of due and personal service upon the supervisor and the town clerk of the said town of Esperance more than fifteen days prior to the meeting of this board of the notice of the intention to apply to this board to establish and define the boundary line hereinafter described between the towns of Schoharie and Esperance, Schoharie county, N. Y., and the proofs of due publication of said notice as required by statute, and the affidavit of John B. Grant, and on motion of Daniel W. Jenkins, be it

Resolved, That we, the board of supervisors of the county of Schoharie, N. Y., hereby establish and define the following boundary line between the said towns of Schoharie and Esperance, to wit:

Commencing at the southeast corner of the town of Carlisle, and running thence to the centre of the mouth of the Cobleskill creek.

To be as follows, to-wit: Beginning at an oak tree standing at the corner of the towns of Cobleskill, Carlisle, Schoharie and Esperance, and running thence south sixty-five degrees and forty minutes, east 42 chains and 85 links to a large yellow oak tree, thence in the same direction 2 chains and 4 links to a small hemlock tree, thence in the same direction 2 chains and 89 links to a black oak tree, thence in the same direction 31 chains and 58 links to a hemlock tree, thence in the same direction 31 chains and 34 links to and between a pine tree and hemlock tree growing together, thence in the same direction 2 chains and 87 links to a white oak tree, thence in the same direction 61 chains and 76 links to a large oak stake sunk in the ground in the old bed of the Cobleskill creek, and thence in the same direction 3 chains and 77 links to the Schoharie creek at the point where the centre of the mouth of the Cobleskill creek was at the time that said town of Esperance was taken off from the said town of Schoharie.

STATE OF NEW YORK, }
SCHOHARIE COUNTY, } ss.:

I, Orson Spickerman, clerk of the board of supervisors of the county of Schoharie, do hereby certify, that the foregoing is a copy

of a resolution duly passed and adopted by said board at the annual meeting thereof on the 16th day of November, 1897, and as the same appears in the records and proceedings of said board.

ORSON SPICKERMAN,

Clerk.

Attest:

DANIEL W. JENKINS,

Chairman.

Endorsed: Filed December 9, 1897.

HORACE G. TENNANT,

Second Deputy Secretary of State.

At the annual meeting of the board of supervisors of Madison county, New York, held at Morrisville, in said county, on the 7th day of December, 1897:

All the members of the town board of the town of Lenox in said county of Madison, N. Y., having duly made application to the Board of Supervisors of the County of Madison, New York, petitioning said board of supervisors that they by resolution and order, establish and define the boundary line between the said town of Lenox and the town of Sullivan, in said county of Madison, N. Y., and due notice of intention to apply to said board of supervisors to establish and define such boundary line, particularly describing the same, and the line as proposed to be acted upon by such board, signed by a majority of the members of the town board of said town of Lenox, having been duly published for at least four consecutive weeks next preceding the meeting of the said board of supervisors, at which said application was presented, in three newspapers published in the County of Madison in or nearest to such towns, to wit: In the "Canastota Journal" and the "Canastota Bee," published in the said town of Lenox, Madison county, New York, and the "Madison County Times" published in the town of Sullivan, Madison county, New York, and a copy of such notice having been duly personally served at least fifteen days before the meeting of such board, on Fritz Block, Supervisor, and George De Witt, Town Clerk of said town of Sullivan; on reading and filing the said notice and due proof of the publication and service of the same, and after hearing evidence and proofs offered on behalf of the said petitioners for said town of Lenox, and the evidence and proofs on behalf of the said town of Sullivan, and the

arguments of counsel in favor of said application and in opposition thereto, and having duly considered the same,

Resolved, That we, said board of supervisors in and for the county of Madison, New York, order, direct, establish and define the boundary line between said towns of Lenox and Sullivan, as follows:

Beginning in the easterly line of the boundary of Sullivan at the southwest corner of the town of Lenox, which is the northwest corner of the town of Lincoln, at a monument standing south 53 degrees east 60 & $\frac{1}{2}$ links from a small elm tree, and north 26 degrees 45 minutes west 65 links from a large elm tree; running thence north 5 degrees 15 minutes east (by the magnetic needle in 1896 to the Seneca Turnpike road, and continuing on the same course on a center line of the highway to a stone monument on the northerly side of the Erie canal, (said line is the center line of the Two Mile Strip); thence continuing in the same course to a stone monument in the northerly side of the New Boston road; thence continuing in the same course through a house 20 links southerly from the northeast corner, to a stone monument on the southerly side of the highway leading westerly from Whitelaw, north 8 degrees east 21 & $\frac{1}{2}$ links from an apple tree and north 62 degrees west 20 & $\frac{1}{2}$ links from a white oak tree, and continuing on the same course through the house of Charles Northrup 22 links from the southwest corner thereof, to a stone monument on the northeast of an apple tree and 71 links northwest of an apple tree on said Northrup's land, and continuing on the same course to a stake standing on the high bank of Oneida lake south 71 degrees 45 minutes west 20 links from a large maple tree and north 23 degrees 45 minutes east 52 & $\frac{1}{2}$ links from a large maple tree.

STATE OF NEW YORK, }
MADISON COUNTY, SUPERVISOR'S OFFICE, } ss.:

I, Arthur A. Foote, clerk of the board of supervisors of the county of Madison, do hereby certify that the foregoing resolution was adopted by the board of supervisors of said county on this 7th day of December, 1897.

A. A. FOOTE,

(Seal.)

Clerk of the Board of Supervisors of Madison County.

Endorsed: Filed December 29, 1897.

HORACE G. TENNANT,

Second Deputy Secretary of State.

AN ACT to fix, locate, establish and define the disputed boundary line between the towns of Pelham and New Rochelle in the county of Westchester, passed pursuant to section thirty-six of chapter six hundred and eighty-six of the laws of eighteen hundred and ninety-two, and acts amendatory thereof, and supplementary thereto, by the board of supervisors of the county of Westchester, at a regular meeting duly assembled on the sixteenth day of March, eighteen hundred and ninety-eight, at least two-thirds of all the members elected thereto, being present and voting therefor, twenty-eight votes being in favor of and one vote against its passage, do enact as follows:

Section 1. Whereas, the boundary line between the towns of Pelham and New Rochelle has been in dispute and an application having been duly made in accordance with the statutes to have such boundary located and defined.

§ 2. Therefore, Resolved, That the disputed portion of such boundary line between the towns of Pelham and New Rochelle shall be, and the same is hereby fixed, located, established and defined as follows:

Beginning at its northern point at the center of the Hutchinson river, seventy-three feet south of the center of the bridge known as Archer bridge, and running thence southerly through or about the north of the stone wall at the northeast corner of the Jacob Heiler property, marked "E" upon the map, and through the intersection of the old stone wall forming the boundary line between the properties of B. F. Corlies, Sycamore Park, and others, with the stone wall marking the southerly side of the old Boston Post road, said intersection point being marked "F" on said map to the intersection of said straight line with the line surveyed by Schuyler & Crosby as the town line, south of the angle at the northerly edge of the big swamp, and shown upon map number six hundred and fifteen on file in the office of the register of Westchester county, said intersection point being marked "C" upon the annexed map.

The said dividing line between the towns of * as herein described, being the same, as near as can be determined, as shown upon a map made by Captain Bond, in the year seventeen hundred and eleven and as laid down on a copy of said map made by John Davenport, in seventeen hundred and ninety-eight, and now on file in the office of the state engineer and surveyor.

§ 3. This act shall take effect immediately.

Resolution No. 6.

* So in the original.

STATE OF NEW YORK, } ss.:
COUNTY OF WESTCHESTER,

We, the undersigned, chairman and clerk of the board of supervisors of said county, for the year 1897, do hereby certify that the foregoing is a true copy of an act passed by said board, by a two-thirds vote of all the members elected thereto, the supervisor of the town of Pelham voting therefor, on the 16th day of March, 1898.

C. T. SECOR,

Chairman.

EDWIN B. HOPKINS,

(Seal.) *Clerk.*

Endorsed: Filed April 16, 1898.

HORACE G. TENNANT,

Second Deputy Secretary of State..

NAMES CHANGED.

UNDER AND PURSUANT TO TITLE X, CHAPTER XVII OF THE CODE OF CIVIL PROCEDURE.

STATE OF NEW YORK, }
WARREN COUNTY CLERK'S OFFICE, } ss.:

Pursuant to the statute in such case made and provided, I, Archibald R. Noble, clerk of the county of Warren, aforesaid, do hereby certify that the following change of name has been made by the county court of said county during the year 1897, to-wit:

Alice Van Dusen Latham to Alice Van Dusen Rice. To take effect March 15, 1897.

Order filed and entered February 10, 1897.

In testimony whereof, I have hereunto set my hand and affixed my official seal at Lake George, N. Y., this 6th day of December, 1897.

(Seal.)

A. R. NOBLE,
Clerk.

Endorsed: Filed Dec. 7, 1897.

HORACE G. TENNANT,
Second Deputy Secretary of State.

CANTON, N. Y., *December 17, 1897.*

ST. LAWRENCE COUNTY CLERK'S OFFICE, ss.:

I, James E. Johnson, clerk of the aforesaid county, do hereby certify, that pursuant to section 2418 of the Code that the following is a complete list of the persons whose names have been changed by order of the court, during the year 1897:

A. David Smolinsky to A. David Seaman.

Order entered September 3, 1897.

In witness whereof, I have hereunto set my hand and the seal of said county, this 17th day of December, 1897.

(Seal.)

J. E. JOHNSON,
Clerk.

Endorsed: Filed Dec. 18, 1897.

HORACE G. TENNANT,
Second Deputy Secretary of State.

NAMES CHANGED.

AUBURN, N. Y., *December 31, 1897.*Hon. JOHN PALMER, *Secretary of State, Albany, N. Y.:*

Dear Sir.—I have the honor to report that papers have been filed in this office during the year ending December 31, 1897, changing the name of the following-named person:

“Order granted permitting William Thomas Brown to assume the name of William Thomas Shapcott, on the 15th day of April, 1897.”

Witness my hand and official seal, at Auburn, Cayuga county, N. Y., this 31st day of December, 1897.

(Seal.)

CH. G. ADAMS,

Clerk.

Endorsed: Filed Jan. 3, 1898.

HORACE G. TENNANT,

Second Deputy Secretary of State.

STATE OF NEW YORK,
FRANKLIN COUNTY CLERK'S OFFICE, } ss.:

I, Frank S. Channell, clerk of said county, do hereby certify that in pursuance of an order, made by Samuel A. Beman, county judge, filed and entered March 1, 1897, and the other necessary papers duly filed it was ordered that Vivian Pearl Duffy be authorized to assume the name of Vivian Pearl Woods.

Witness my hand and seal of office this 31st day of December, 1897.

(Seal.)

F. S. CHANNELL,

Clerk.

Endorsed: Filed Jan. 3, 1898.

HORACE G. TENNANT,

Second Deputy Secretary of State.

ONONDAGA COUNTY.

OFFICE OF THE COUNTY CLERK,
SYRACUSE, N. Y., *December 31, 1897.*

Hon. JOHN PALMER, *Secretary of State, Albany, N. Y.:*

Dear Sir.—I inclose you the list of incorporations filed in this office during the past year.

I also return you the changes in names filed in this office pursuant to section 2418 of the Code of Civil Procedure:

Christine Egginton to Christine Falsgraff.

Order entered March 16, 1897.

Benjamin Kopelovich to Benjamin Franklin Davis.

Order entered April 12, 1897.

Meyer Dembowitch to Meyer Dembo.

Order entered July 9, 1897.

Nathan J. Pakelnishky to Nathan J. Packard.

Order entered October 25, 1897.

Moses Pakelnishky to Moses Packard.

Order entered October 25, 1897.

Samuel Pakelnishky to Samuel Packard.

Order entered October 25, 1897.

Anton Malikowski to Anthony Kline.

Order entered November 10, 1897.

Peter Malikowski to Peter Kline.

Order entered November 10, 1897.

Respectfully yours,

GEO. J. YAECKEL,

Onondaga County Clerk.

Endorsed: Filed Jan. 4, 1898.

ANDREW DAVIDSON,

Deputy Secretary of State.

MONROE COUNTY CLERK'S OFFICE,
ROCHESTER, N. Y., *January 3, 1898.*

HON. JOHN PALMER, *Secretary of the State of New York:*

Dear Sir.— The following list contains the change of names filed in this office during the year 1897:

John Eckhard Damm to John Eckhard.

Order entered March 12th, 1897.

David Simon Rosinsky to David Simon Rose.

Order entered October 13th, 1897.

Emil C. Meinel to Edward C. Meinel.

Order entered October 29th, 1897.

George Gordenier to George Gordon.

Order entered November 29th, 1897.

Bernard Rosuk to Bernard Rose.

Order entered December 7th, 1897.

Iven-Brandenburg-Burgess Company to Iven Brandenburg Company.

Order entered November 20th, 1897.

(Seal.)

CHAS. L. HUNT,

County Clerk.

Endorsed: Filed Jan. 6, 1898.

ANDREW DAVIDSON,

Deputy Secretary of State.

STATE OF NEW YORK, } ss.:
COUNTY OF KINGS,

Pursuant to section 2417 of the Code, I, Jacob Worth, Clerk of the county of Kings, do hereby certify that the names of the following persons have been changed during the year of 1897:

Lena Steffan Hoff to Len Steffan.

Order filed January 7, 1897.

William Davidowitz to William Davis.

Order filed January 13, 1897.

Sam Davidowitz to Sam Davis.

Order filed January 19, 1897.

William Henry Corinsky to William Henry Corin.

Order filed January 23, 1897.

Walter O'Brien to Walter Bryan.

Order filed February 6, 1897.

Adolph Malatzky to Adolph Miles.

Order filed February 10, 1897.

Max B. Opotowski to Max B. Pato.

Order filed March 4, 1897.

Bernard Crooge to Bernard Cook.

Order filed March 18, 1897.

George Herman Richard Blumenthal to Otto Herman Richard Wilkins.

Order filed March 22, 1897.

Bushwick Democratic Club to Bushwick Club.

Order filed April 3, 1897.

Catherine Snyder to Catherine Sullivan.

Order filed April 10, 1897.

Stephan Parkievowitz to Stephan Parker.

Order filed April 6, 1897.

Stephan Parkievowitz to Stephan Parker.

Order filed April 21, 1897.

Jacob Selicowich to Jacob Seley.

Order filed May 6, 1897.

Jens Kirkeby Jensen to James Kirkeby.

Order filed May 10, 1897.

Robert C. Kindervater to Robert C. Kindred.

Order filed June 1, 1897.

Thimig Bottling Company to A. Busch Bottling Company.

Order filed June 7, 1897.

Jacob G. Moritz to Jacob G. Morris.

Order filed June 17, 1897.

Isaac Edgar Chapman to Ralph Edgar Chapman.

Order filed June 18, 1897.

Auguste Geiger to Auguste Leibrecht.

Order filed June 23, 1897.

Adam Beckham Harkness to Alfred Beckham Harkness.

Order filed June 26, 1897.

Meyer Barkowsky to Meyer Barko.

Order filed July 23, 1897.

James H. Gillen to James Henry Gordon.

Order filed July 28, 1897.

William Lynch to William Lynch Hughes.

Order filed July 30, 1897.

August T. Friedenthal to Thomas A. Wallace.

Order filed September 20, 1897.

Howell Payne to Howard Marshall.

Order filed September 23, 1897.

Edith Gertrude Payne to Edith Gertrude Marshall.

Order filed September 23, 1897.

Morris Stromlauf to Morris Dangler.

Order filed October 1, 1897.

Philip Briel to Philip Borek.

Order filed November 10, 1897.

Budweiser Brewing Co. to Nassau Brewing Company.

Order filed December 28, 1897.

Jacob Frank to Jacob Franklin.

Order filed December 31, 1897.

Dated Brooklyn, December 31, 1897.

JACOB WORTH,

(Seal.)

County Clerk.

Endorsed: Filed Jan. 3, 1898.

HORACE G. TENNANT,

Second Deputy Secretary of State.

STATE OF NEW YORK, }
CITY COURT OF NEW YORK, } ss.:

Pursuant to section 2418 of the Code, I, John B. McGoldrick, clerk of the City Court of New York, do hereby certify that the names of the following persons have been changed by the said court during the year 1897:

Morris Kasansky to Morris Williamson.

Order entered January 18th, 1897.

Henry Demarest McGown to Henry Dailey McGown.

Order entered January 21st, 1897.

Louis Kantrowitz to Louis Kent.

Order entered January 25th, 1897.

Krihor Boghosian to Gregory Paul.

Order entered January 25th, 1897.

Jacob Segall to Jacob W. Segall.

Order entered January 26th, 1897.

Augustus D. Gschwind to Augustus D. Swift.

Order entered January 29th, 1897.

Charles Clifford Turner to Charles Hodgson Turner.

Order entered January 29th, 1897.

Jacob Schmalz to Jacob Smalls.

Order entered January 30th, 1897.

Salamon Spitz to Adam Abet.

Order entered February 1st, 1897.

George William Smith to Carl George Clair.

Order entered February 17th, 1897.

Abraham Kopelansky to Abraham Kopel.

Order entered February 25th 1897.

Daniel Cohen to Daniel Clarkson.

Order entered February 26th, 1897.

Samuel Kasproicz to Samuel Cass.

Order entered March 4th, 1897.

Samuel Stutchkoff to Samuel Korf.

Order entered March 5th, 1897.

Isaac Miller to George Isaac Miller.

Order entered March 8th, 1897.

Victor E. Engstrom to George V. Daily.

Order entered March 10th, 1897.

William Gast to William Avenfred, Jr.

Order entered March 22d, 1897.

Leonard Mundscheink to Leonard Miller.

Order entered March 24th. 1897.

Minnie C. Ryan to Minnie Canning.

Order entered March 31st, 1897.

Charles Osherowitz to Charles Hoffman.

Order entered April 7th, 1897.

- Friedrich Fritsch to Joel Joachim Schwartz.
Order entered April 20th, 1897.
- Isidor Fritsch to Isidor Schwartz.
Order entered April 20th, 1897.
- Margit Fritsch to Margit Schwartz.
Order entered April 20th, 1897.
- Max Fritsch to Max Schwartz.
Order entered April 20th, 1897.
- Jacob Prunzansky to Jacob Prown.
Order entered April 20th, 1897.
- Samuel Laskovitch to Samuel Lasko.
Order entered April 20th, 1897.
- Louis Janowsky to Louis Julian.
Order entered April 28th 1897.
- Ernst Ruehs to Ernst L. Schreiber.
Order entered April 29th, 1897.
- Andrew W. Mead to Robert Allyn Lewis.
Order entered April 30th, 1897.
- William Louis Judkowski to William Louis Simmons.
Order entered April 30th, 1897.
- Baldo Rosich to Joseph Johnson.
Order entered May 20th, 1897.
- Daniel Hoff to David Daniel Hoff.
Order entered June 21st, 1897.
- Ernst Schereschewsky to Ernst Sherry.
Order entered June 24th, 1897.
- William Fuchslocher to William Fox.
Order entered July 10th, 1897.
- Israel Englander to Bethoven Englander.
Order entered July 12th, 1897.
- Josef Herscovitz to Josef Hamburger.
Order entered July 14th, 1897.
- Newman Duboosky to Newman Dub.
Order entered July 15th, 1897.
- Joseph S. Bregstein to Joseph S. Brown.
Order entered July 15th, 1897.
- Moses Bilkis to Morris Wilkis.
Order entered July 17th, 1897.
- Polly Bilkis to Polly Wilkis.
Order entered July 17th, 1897.
- Dora Bilkis to Dora Wilkis.
Order entered July 17th, 1897.
- Benzion Bilkis to Benzion Wilkis.
Order entered July 22d, 1897.
- Herman Reiske to Herman Reaske.
Order entered July 19th, 1897.

John Jones to Arthur Seymour.

Order entered July 23d, 1897.

Harry Seymour Warsawski to Harry Seymour Walton.

Order entered July 27th, 1897.

Julius Adamsky to Julius Adams.

Order entered July 29th, 1897.

Hyman Ostrowsky to Hyman Straus.

Order entered July 29th, 1897.

Isidor Schuchatowitz to Isidor Shultz.

Order entered August 2d, 1897.

Marcus Feuerstein to Marcus Feingold.

Order entered August 4th, 1897.

Shaia Tuliaticzky to Shaia Tulin.

Order entered August 6th, 1897.

Herman Fischheimer to Henry Fisher.

Order entered August 6th, 1897.

Benjamin Hendricks to Edward Butler.

Order entered August 12th, 1897.

Phillip Karalinski to Abraham Philips.

Order entered August 13th, 1897.

Louis Kumpf to Louis Kniep.

Order entered August 18th, 1897.

Mary Fuchslocher to Mary Fox.

Order entered August 31st, 1897.

Elizabeth Fuchslocher to Elizabeth Fox.

Order entered August 31st, 1897.

Mary Fuchslocher to Mary Fox.

Order entered August 31st, 1897.

Gregory L. F. R. Fitzpatrick to Gregory L. F. Rohan.

Order entered September 8th, 1897.

Jerusalem Moses to Joseph Moses.

Order entered September 10th, 1897.

John Christian Conrad Netzel to H. Christian Rudy.

Order entered September 14th, 1897.

Isidore L. Brodowsky to I. Lawrence Broadwin.

Order entered September 25th, 1897.

Charles Murphy to Charles Sirvine.

Order entered October 4th, 1897.

Barnet Farbstein to Barnet Galowitz.

Order entered October 4th, 1897.

Samuels Kuschlewski to Carl Samuels.

Order entered October 9th, 1897.

Israel Anton Puritz to Anton Gronich.

Order entered October 19th, 1897.

Flora Topolaska to Flora Toplow.

Order entered October 21st, 1897

Henry Seidenbittle to **Henry Seide**.

Order entered November 3d, 1897.

Emil Henry Temperly to **Henry Brunner**.

Order entered November 15th, 1897.

Albert Lifshitz to **Albert Lifson**.

Order entered November 17th, 1897.

Sidney M. Young to **Max L. Young, Jr.**

Order entered November 23d, 1897.

Oscar Eduard Walter to **Edourd Richard Walter**.

Order entered December 10th, 1897.

Philip Tolchinsky to **Philip Maryanoo**.

Order entered December 8th, 1897.

Neva Idene Stewart Montague to **Neva Idene Stewart Sherwood**.

Order entered December 16th, 1897.

Philip Herschkowitz to **Philip Hersh**.

Order entered December 24th, 1897.

Sigfried Herz to **Alfred Herbst**.

Order entered December 28th, 1897.

Witness my hand and the seal of said court, this 31st day of
December, 1897.

JOHN B. MCGOLDRICK,

(Seal.)

Clerk, City Court of New York.

Endorsed: Filed Jan. 3, 1898.

HORACE G. TENNANT,

Second Deputy Secretary of State.

STATE OF NEW YORK, } ss.:
AND COUNTY OF NEW YORK, }

Pursuant to section 2418 of the Code of Civil Procedure, I, **William Sohmer**, clerk of the county of New York, and clerk of the Supreme Court, do report and hereby certify that the names of the following persons and corporations have been changed by said court during the year 1897:

INDIVIDUALS.

Susan F. Platt to **Susan F. Platt Thomas**. To take effect December 24, 1896.

Order entered January 7, 1897.

John Peter Ichthertz to **John Peter Ihart**. To take effect February 23, 1897.

Order entered January 18, 1897.

Martha Kocusky to **Martha Andrews**. To take effect February 23, 1897.

Order entered January 15, 1897.

Emma Kocusky to Emma Andrews. To take effect February 23, 1897.

Order entered January 15, 1897.

John Feehan to John Freeland. To take effect March 1, 1897.

Order entered January 22, 1897.

Mary F. Grumbacher to Mary F. Pinner. To take effect March 1, 1897.

Order entered January 20, 1897.

Leila Olyve Neame to Leila Henriques. To take effect March 15, 1897.

Order entered February 11, 1897.

Solomon Hunchman to Solomon Hansman. To take effect March 1, 1897.

Order entered February 18, 1897.

Daniel Cohen to Daniel Clarkson. To take effect March 31, 1897.

Order entered February 26, 1897.

Hyman Witkoski to Herman Witt. To take effect April 1, 1897.

Order entered March 4, 1897.

Adolph Krause to Adolph Kross. To take effect April 8, 1897.

Order entered March 8, 1897.

Maurice Hanley to Maurice Morgenstern. To take effect May 3, 1897.

Order entered April 9, 1897.

Morris Hillkowitz to Morris Hillquit. To take effect May 10, 1897.

Order entered April 9, 1897.

Isaak Moritz Berkowitch to Isaac Moritz. To take effect May 11, 1897.

Order entered April 26, 1897.

Richard Amerman Anthony to Richard Allard Anthony. To take effect June 27, 1897.

Order entered May 18, 1897, *nunc pro tunc*.

Michael Joseph Collins to Joseph Collins. To take effect July 14, 1897.

Order entered June 2, 1897.

Harald Fredrick Meyer to Harald Fredrick Liewen-Andersen. To take effect July 20, 1897.

Order entered June 10, 1897.

Samuel Aloysius Raborg to Thomas Mason Raborg. To take effect June 12, 1897.

Order entered June 11, 1897.

John Eggleston to John Eggleston Darling. To take effect August 1, 1897.

Order entered June 11, 1897.

Robert Moreton Haas to Robert Moreton Hawse. To take effect July 19, 1897.

Order entered June 16, 1897.

Leslie Curtis Staples to Charles Knebel Savage. To take effect July 25, 1897.

Order entered June 19, 1897.

Herbert Chappelle Staples to Herbert Knebel Savage. To take effect July 25, 1897.

Order entered June 19, 1897.

Joseph Staples to Joseph Knebel Savage. To take effect July 25, 1897.

Order entered June 19, 1897.

Harry Knebel Staples to Harry Knebel Savage. To take effect July 25, 1897.

Order entered June 19, 1897.

George Hyslop Robinson to George Hyslop Knox. To take effect July 20, 1897.

Order entered June 22, 1897.

Henry Ruskin to Henry Isaac Oser. To take effect August 3, 1897.

Order entered June 25, 1897.

Amalia Bieberkraut to Amalia Bieber. To take effect August 12, 1897.

Order entered July 13, 1897.

Paul Conde Raguet Brashear to Paul Conde Raguet. To take effect August 19, 1897.

Order entered July 19, 1897.

Harry Gray Wright to Harry Warren Gray. To take effect September 1, 1897.

Order entered July 23, 1897.

Edward Feinstein to Edward Fast. To take effect September 20, 1897.

Order entered August 18, 1897.

Michael Burke to Michael Ledwith Burke. To take effect September 15, 1897.

Order entered August 19, 1897.

William H. Crank, Jr. to William Henry Woodruff. To take effect September 25, 1897.

Order entered August 24, 1897.

Patrick Joseph Ryan to Joseph Patrick Ryan. To take effect October 25, 1897.

Order entered September 8, 1897.

Harry Davison Schwarzschild to Harry Davison Saril. To take effect October 20, 1897.

Order entered September 14, 1897.

Nettie Maude Smith to Maude Smith Storer. To take effect October 25, 1897.

Order entered September 22, 1897.

Augustin Aloysius Wolff to Augustin Aloysius Wolfe. To take effect November 30, 1897.

Order entered October 25, 1897.

Thomas P. Power to Thomas P. O'Malley. To take effect December 26, 1896.

Order entered November 15, 1897.

Samuel Mallory Allen to Ethan Samuel Allen. To take effect February 1, 1898.

Order entered December 20, 1897.

CORPORATIONS.

D. G. Francis and Co. to George H. Richmond & Co. To take effect March 1, 1897.

Order entered.

The Legal Surety Company of the United States to New York Surety Company. To take effect April 26, 1897.

Order entered March 26, 1897.

Expanded Metal Fire Proof Construction Company to N. Y. Expanded Metal Co. To take effect August 10, 1897.

Order entered July 12, 1897.

Twenty-third Street Baptist Church of the City of New York to Washington Heights Baptist Church of the City of New York. To take effect July 20, 1897.

Order entered June 15, 1897.

Export Lumber Company, Limited, to Export Lumber Company. To take effect.

Order entered September 2, 1897.

Diamond Point Fountain Pen Company to Diamond Point Pen Company. To take effect August 21, 1897.

Order entered July 21, 1897.

United German Evangelical Lutheran Church in the city of New York, sometimes known as the United German Evangelical St. Paul's Lutheran Church in the city of New York, to The German Evangelical Lutheran Church of St. Paul in the city of New York. To take effect July 26, 1897.

Order entered June 28, 1897.

The Longfield-Bergen Company to the Bergen-Budenbach Company. To take effect , 1897.

Order entered July 28, 1897.

The Bartholdi Creche to The Edgewater Creche. To take effect September 15, 1897.

Order entered July 30, 1897.

Bank of Westchester to Bronx Borough Bank. To take effect August 19, 1897.

Certificate filed August 21, 1897.

The W. H. Colson Co. to The Cox Sons & Buckley Co. To take effect October 1, 1897.

Order entered August 23, 1897.

Gilmour Manufacturing Company to David Morrison Company. To take effect October 1, 1897.

Order entered August 26, 1897.

Manhattan Mutual Savings Association to Fortuna Real Estate Corporation. To take effect November 15, 1897.

Order entered October 6, 1897.

The United Service Club in the city of New York to Army and Navy Club of the City of New York. To take effect December 22, 1897.

Order entered November 13, 1897.

The California Asphalt Company to Atlantic Alcatraz Asphalt Company. To take effect December 20, 1897.

Order entered November 16, 1897.

Mutual Fire Insurance Company of New York to Manhattan Fire Insurance Company of the City of New York.

Certified copy of amended charter filed November 12, 1897.

Gas Engine & Power Company to Gas Engine & Power Company and Charles L. Seabury & Company, Consolidated. To take effect March 1, 1897.

Order entered January 22, 1897.

In testimony whereof, I have hereunto set my hand and affixed my official seal, the 4th day of January, 1898.

(Seal.)

GEO. H. FAHRBACH,

Deputy Clerk of the County of New York.

Endorsed: Filed Jan. 6, 1898.

ANDREW DAVIDSON,

Deputy Secretary of State.

RULES OF THE COURT OF APPEALS.

STATE OF NEW YORK, }
IN COURT OF APPEALS, }

At a Court of Appeals for the State of New York, held at the Capitol in the city of Albany, on the 1st day of December, A. D. 1897.

Present.—Hon. Charles Andrews, Chief Judge, presiding.

Ordered, That Rule VIII relating to the admission of attorneys and counselors at law be amended so as to read as follows:

RULE VIII.

The State Board of Law Examiners shall be paid as compensation, each the sum of two thousand dollars per year, and, in addition, such further sum as the court may direct, and an annual sum not exceeding two thousand dollars per year shall be allowed for necessary disbursements of the Board. Every applicant for examination shall pay to the examiners a fee of fifteen dollars, which shall be applied upon the compensation and allowance above provided, and any surplus thereafter remaining shall be held by the treasurer of the State Board of Law Examiners and deposited in some bank, in good standing, in the city of Albany to his credit and subject to his draft as such treasurer when approved by the chief judge. The examinations held by such State Board of Examiners may be conducted by oral or written questions and answers, or partly oral and partly written, but shall be as nearly uniform in the knowledge and capacity which they shall require, as is reasonably possible. An applicant who has failed to pass one examination cannot again be examined, until at least three months after such failure.

(A copy.)

(Seal.)

W. H. SHANKLAND,

Clerk.

Endorsed: Filed Dec. 2, 1897.

HORACE G. TENNANT,

Second Deputy Secretary of State.

STATE OF NEW YORK, }
IN COURT OF APPEALS, }

At a Court of Appeals for the State of New York, held at the Capitol in the city of Albany, on the 28th day of January, A. D. 1898.

Present.— Hon. Alton B. Parker, Chief Judge, presiding.

Ordered: That Rule XI of the Court of Appeals be amended so as to read as follows:

RULE XI.

MOTIONS AND APPEALS FROM ORDERS.

Motions: Appeals from final orders in special proceedings, appeals from interlocutory judgments overruling or sustaining demurrers and appeals from orders in actions and special proceedings certified to this court by the Appellate Divisions of the Supreme Court, except orders granting a new trial, may be noticed for and will be heard on the first Monday of each session of the court, before taking up the calendar. Original motions may be submitted on any Monday. Where notice has been given of a motion, if no one shall appear to oppose, it will be granted as of course. If a motion be not made on the day for which it has been noticed the opposing party will be entitled, on applying to the court at the close of the motions for that day, to a rule denying the motion, with costs.

(A copy.)

(Seal.)

W. H. SHANKLAND,

Clerk.

Endorsed: Filed Jan. 31, 1898.

HORACE G. TENNANT,

Second Deputy Secretary of State.

LANDS CEDED TO THE UNITED STATES.

Pursuant to the provisions of section 3 of chapter 391 of the Laws of 1896, entitled "An act giving authority to the governor of the state to cede jurisdiction to the United States over certain sites in the state of New York for light-houses and other public works of the United States," the United States by the Secretary of War, under date of June 28, 1897, applied for a deed for the ceding of the jurisdiction of the state of New York over the following described lines:

"All that portion of Plum or Plum Island, in the county of Suffolk, state of New York, which lies north and east of the following described line, to-wit: Beginning at high water mark on the north shore of the said island, at a point distant fifteen hundred and twenty (1520) southwest from the intersection of the north shore of the island and the old line wall dividing the former estates of Jerome and Clark; thence south, fifty-three (53) degrees, fifty-five (55) minutes east, fifteen hundred and twenty feet (1520), to a hole drilled near the northwest corner of a large flat granite rock, standing alone near the centre of a meadow field (the said stone being south forty-four (44) degrees, forty (40) minutes west, six hundred and eighty (680) feet from the intersection of the said line wall, and a wall or fence running about four hundred (400) feet westerly from near its middle point.) Thence south, eighty-five (85) degrees, thirty minutes east, six hundred and fifty (650) feet, to a point on the said line or dividing wall five hundred and thirty (530) feet south from the aforesaid angle of the said fences; thence continuing in the same direction five hundred and eighty (580) feet, to a point on the south shore of the said island, which point is five hundred and fifty (550) feet northeast from the point of intersection of the south shore of said island with the south end of the said line fence dividing the former estates of Jerome and Clark; the whole of the said tract so described and bounded containing one hundred and fifty (150) acres, be the same more or less."

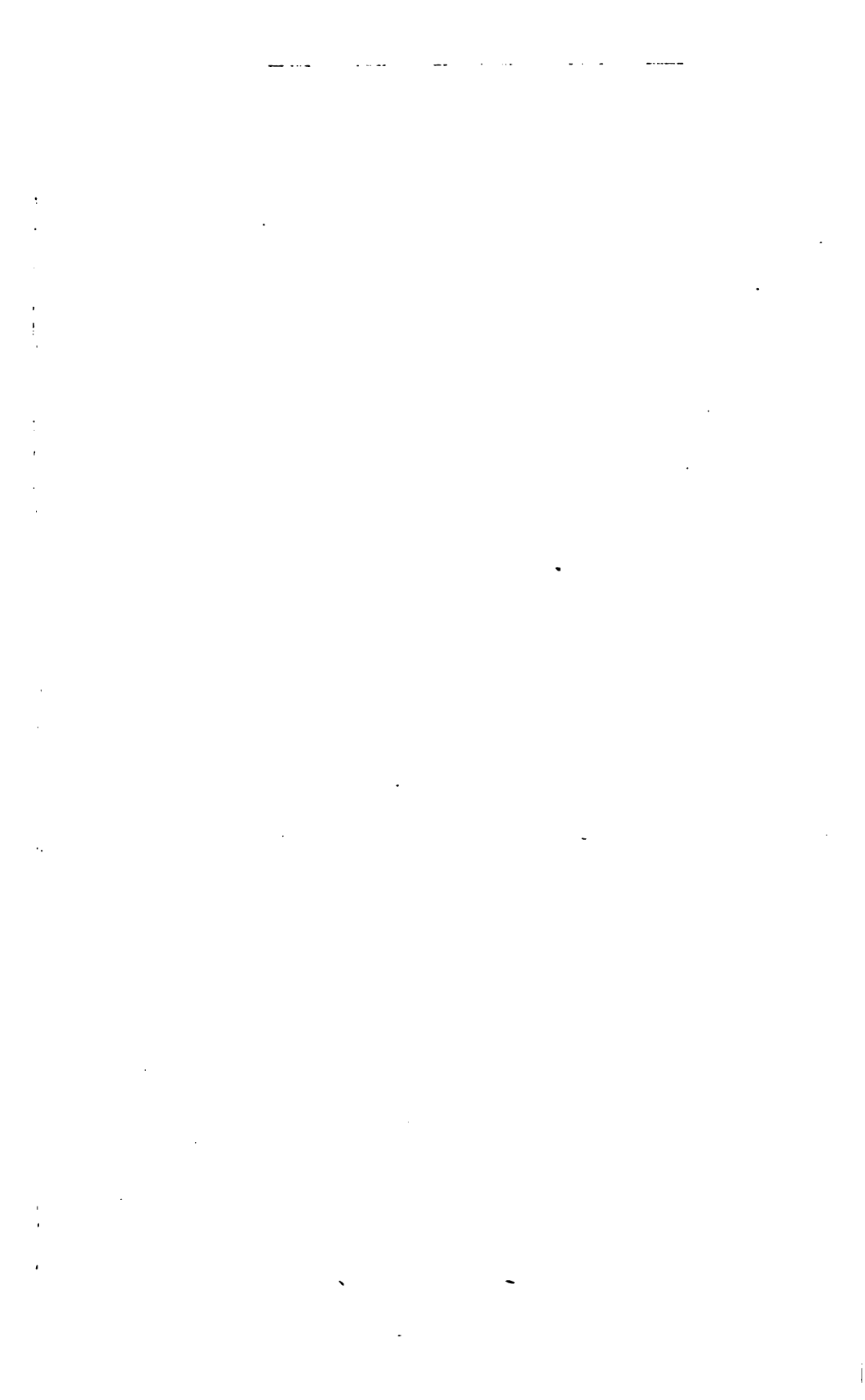
The deed ceding jurisdiction over the above described lands was recorded in the office of the Secretary of State, September 14, 1897.

The United States, by the Secretary of War, under date of March 28, 1898, applied for a deed for the ceding of the jurisdiction of the State of New York over the following described lands:

Three parcels of land, containing in the aggregate about seven acres, situate, lying and being in the borough of Richmond, city of New York, county of Richmond, and State of New York, which three parcels together constitute one parcel bounded and described as follows, viz.:

Beginning at the point where the southerly line of Richmond avenue intersects the center line of Tompkins avenue, as such avenues have been laid out, and running thence north 72 degrees 35 minutes east, along the southerly line of Richmond avenue, a distance of 432 feet; thence south 19 degrees 30 minutes east, along lands of the United States and of H. Monquin, a distance of 1,544 feet to the line of ordinary high water mark; thence south 50 degrees 16 minutes west, along the line of ordinary high water mark, a distance of 7 feet 6 inches; thence north 19 degrees 30 minutes west, along lands of the Ockerhausen estate, a distance of 729 feet 4 inches; thence south 70 degrees west, along lands of the said Ockerhausen estate, a distance of 384 feet 4 inches, to the center line of Tompkins avenue; thence north 22 degrees 15 minutes west, along the said center line of Tompkins avenue, a distance of 534 feet 6 inches, to the southerly line of Richmond avenue, at the point of beginning.

The deed ceding jurisdiction over the above described lands was recorded in the office of the Secretary of State, April 4, 1898.



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3314.....	Supervisors may make allowances to grand and trial jurors.	398	1068
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1895..	924	All	Amends Laws of 1893, chap. 559, §§ 13, 14, 15, 18, 80, 51, 84, 120, 121, 125, 127, 265	212	585
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1896..	941	6, 9	Interstate Mortgage and Debenture Co.	499	1228
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PREPARED BY THE COMMISSION OF STATUTORY REVISION.

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Albany	1888	298	Charter, tit. 3, §§ 30, 58, 59	512	1240
Albany county	1894	354	Support of poor, § 9	486	1197
Albion	1842	125	Charter, tit. 5, § 12	592	1347
Atlantic Dock Co....	1840	215	Charter, § 6	320	943
Auburn	1879	53	Charter, § 86	255	768
Bellevue College....	1861	180	Charter, § 5	119	237
Binghamton.....	1869	294	Fire department, § 2	659	1510
Binghamton.....	1868	214	Charter, tit. 2, § 10	85	74
Brooklyn.....	1892	441	Public library, § 4	438	134
Buffalo	1872	849	Catholic Institute, § 1	276	860
Buffalo	1886	464	Improvement of road from Buffalo to Williamsville, § 2	114	217
Buffalo	1891	105	Charter, § 76	313	933
Buffalo	1891	105	Charter, § 104	314	934
Buffalo	1891	105	Charter, §§ 107, 108, 114, 115, 126	280	863
Buffalo	1891	105	Charter, § 385	189	457
Buffalo	1891	105	Charter, §§ 456, 457, 458, 462, 464, 467 470	101	191
Buffalo	1891	105	Charter, § 471	82	149
Buffalo	1896	788	Bonds for water works, § 1	126	245
Buffalo	1897	16	Young Men's Association, § 8	8	8
Camden	1834	242	Charter, tit. 1, § 5	341	990
Camden	1834	242	Charter, tit. 1, § 3; tit. 5, §§ 2, 3, 10, 11	18	25
Catskill	1860	68	Charter, §§ 1, 2, 7, 8, 27, 32, 37, 38, 39, 40, 46, 50, 51, 55, 56, 57, 59, 65.	842	991
Cattaraugus county.	1879	229	Collection of taxes, § 5	180	257
Chateaugay	1868	589	Water works, § 17	356	1023
Chateaugay	1869	531	Charter, §§ 4, 11	376	1070
Chautauqua county.	1879	229	Collection of taxes, § 5	180	257
Chautauqua county.	1897	705	Protection of fish, §§ 2, 3, 4, 5 amended, and § 6 added	3	1
Cherry Valley.....	1860	169	Charter, § 36	152	295
Cohoes	1892	671	Charter, tit. 4, § 7, sub. 1	514	1244

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Cortland.	1869	842	Charter, tit. 1, § 7, sub. 10a added.	647	1500
Dunkirk.	1885	896	Charter, tit. 4, § 16.	262	778
Dunkirk.	1885	896	Charter, tit. 32 added.	261	776
Elmira.	1894	615	Charter, § 115.	66	126
Erie county.	1876	281	Officers of board of supervisors, § 8.	487	1198
Fulton.	Charter revised.	269	785
Fulton county.	1886	155	Support of poor, §§ 8, 4, 7, 8, 9, 14, 22, 25.	138	284
Geneva.	1897	860	Charter, § 141.	297	908
Gloversville.	1890	55	Charter, tit. 2, §§ 1, 2; tit. 3, §§ 4, 7; tit. 4, § 9, sub. 49; tit. 5, §§ 1, 8, 9, 12, 13, 16, 17, 18, 19, 21; tit. 6, § 9; tit. 11, § 10.	252	744
Jamestown.	1886	84	Charter, tit. 2, § 1; tit. 3, § 7; tit. 4, §§ 3, 6, 7, 8; tit. 5, §§ 21-34 amended, and §§ 35-51 inserted; tit. 6, § 14; tit. 7, §§ 17, 20.	281	674
Johnstown.	1895	568	Charter, §§ 13, 37.	246	730
Lancaster.	1897	870	Charter, tit. 1, § 2; tit. 3, §§ 1, 4, 5, 7; tit. 4, § 2; tit. 6, § 6; tit. 8, § 9; tit. 9, §§ 10, 32, 48; tit. 10, §§ 18, 19 added; tit. 11, § 9 added; tit. 14, § 3.	83	64
Lancaster.	1897	870	Charter, tit. 6, § 6.	579	1828
Lansingburgh.	1895	160	Charter, tit. 7, §§ 18; tit. 8, § 1.	377	1071
Little Falls.	1895	565	Charter, §§ 11, 12, 17, 83, 87, 89, 43, 53, 57, 58, 69, 67, 68, 73, 75, 76, 77, 80, 92, 93, 99, 100, 133, 168, 170.	199	478
Little Falls.	1895	565	Charter, §§ 82, 83, 84 added.	199	486
Lockport.	1886	120	Charter, §§ 5, 6, 7, 16, 17, 19, 29, 80, 32, 33, 34, 35, 36, 50, 64, 82, 89, 104, 199, 225.	123	284
Lockport.	1886	120	Charter, §§ 56, 107, 181, 231, 248.	237	718
Madison county.	1891	64	County clerk a salaried office, §§ 1, 8.	492	1214
Middletown.	1888	585	Charter, tit. 15, § 1.	244	728
Mount Vernon.	1892	182	Charter, § 206p.	238	717
Newburgh.	1865	541	Charter, tit. 4, §§ 5, 8; tit. 5, §§ 2 and 28; tit. 6, §§ 1, 2.	87	166
Newburgh.	1893	49	Sewerage system, § 6.	86	163
New York.	1894	266	City court stenographers, § 1.	651	1508
New York.	1885	223	Relief of William L. Cole; Thomas F. Meehan; J. N. Meehan, §§ 1, 2.	435	1137
New York.	1897	378	Charter, § 217.	650	1503
New York.	1897	378	Charter, § 255.	380	1075
New York.	1897	378	Charter, § 720.	573	1322
New York.	1897	278	Charter, §§ 810, 811.	602	1394
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New York.	1897	378	Charter, § 937.	515	1245
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New York.	1897	378	Charter, § 1367, sub. 1.	546	1237
New York.	1897	378	Charter, § 1409.	389	1085
Niagara Falls.	1892	143	Charter, §§ 14, 19, 21, 22, 25, 48, sub. 4, 72, 109-114, 116, 117, 233, 249, 266, 267.	180	359
Norwich.	1895	374	Charter, tit. 12 added.	11	15
Ogdensburgh.	1857	332	Public schools, § 17.	298	906
Ogdensburgh.	1893	87	Charter, tit. 5, § 31; tit. 10, §§ 66-78.	299	908
Olean.	1893	478	Charter, §§ 22, 41, 46, 93, 94, 95, 99, 101 and §§ 93a and 99a inserted.	142	271
Oneida county.	1897	202	Board of equalization, § 5, § 16 inserted and §§ 16 and 17 renumbered.	535	1274

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Orange county	1868	495	Bridge over Chambers' creek, § 9.....	29	61
Orange county	1897	439	Town meetings, §§ 1-7	497	1231
Oswego county.....	1882	822	Collection of taxes, § 9	148	289
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Peekskill.....	1888	117	Charter, tit. 5, § 8, sub. 84.....	51	103
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Penn Yan.....	1857	765	Common school, § 4.....	305	918
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Port Chester	1868	818	Charter, tit. 3, § 1, sub. 23.....	345	1010
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Queens county.....	1877	268	Collection of taxes, §§ 15, 19	149	291
Rensselaer	1897	359	Charter, §§ 10, 11, 12, 15, 17, 19, 37, 52, subs. 6 and 8, §§ 54, 55, 57, 71, 72, 84, § 86 added, §§ 114, 150, 191, 192, 198, 196, 198, 199, 200, 201, 207, and art. 11 added	226	601
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Rochester	1888	104	Orphan asylums, §§ 5, 6	4	4
Rochester	1882	92	Rochester and Charlotte turnpike, § 2.....	151	294
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Rockland county ..	1897	439	Town meetings, §§ 1-7	497	1221
Sag Harbor	1861	812	Charter, § 9, subs. 27 and 28 added, and § 44	553	1294
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Schenectady	1862	385	Charter, tit. 8, § 6.....	159	303
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Schenectady	1883	330	Water supply, § 6	300	914
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Syracuse	1885	26	Charter, 217	283	877
Syracuse	1892	342	Municipal court, §§ 10, 11, sub. 8; §§ 14, 19, 22	580	1268
Troy	1892	670	Charter, tit. 4, §§ 1, 18	241	720
Troy	1898	577	Observance of Memorial and Independence Days, § 1	177	828
Utica	1871	286	Orphan asylums, § 2	665	1539
Utica	1842	187	Common schools, § 8, sub. 4	480	1181
Utica	1846	7	Common schools, §§ 1, 2, 3.	496	1226
Utica	1850	66	Common schools, § 1	481	1182
Utica	1897	738	Board of assessors, §§ 5, 7, 9, sub. 3, § 18.	215	588
Utica	1862	18	Charter, §§ 115a, 115b, 115c, added.	258	771
Washington county.	1897	116	County clerk a salaried office, § 3.	324	947
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Watkins	1861	125	Charter, tit. 8, § 4	878	1078
Watkins	1869	114	Police justice, § 8	670	1544
Wayne county	1896	251	Protection of fur-bearing animals, §§ 1, 2	468	1171
Westfield	1843	15	Cemetery association, § 3.	259	774
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II. LOCAL AND SPECIAL LAWS REPEALED.

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Chatham	1895	333	Amends L. 1870, chap. 458	476	1187
Cohoes	1891	260	Hospital, §§ 3, 7, 8, 9, 10, 11	513	1243
College Point	1868	667	Conrad Poppenhuisen Institute, § 6.	434	1186
Erie county	1876	231	Board of supervisors, § 6	487	1201
Erie county	1879	195	Amends L. 1876, chap. 231, § 6	487	1201
Fulton county	1886	155	Support of poor, §§ 5, 6, 10, 13, 23.	188	265
Fulton	1885	176	Village charter, all	269	853
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Fulton	1861	389	Amends charter	269	853
Fulton	1867	640	Fire department	269	853
Fulton	1859	257	Amends fire department act	269	853
Fulton	1862	33	Amends charter	269	853
Fulton	1873	307	Amends L. 1862, chap. 66	269	853
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Fulton	1881	409	Amends L. 1881, chap. 57	269	853
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Fulton	1897	83	Abolishes office of police justice	269	853
Kingston.....	1880	343	Board of education, §§ 2, 3, 4, 5, 6	120	229
Madison county	1891	64	County clerk a salaried office, § 10	492	1215
Newtown	1890	200	Burials in town of	646	1499
New York	1882	310	Consolidation act, §§ 217-247.....	230	673
Niagara Falls	1892	143	Charter, § 20	180	370
North Tonawanda..	1897	361	Charter, tit. 27, § 12.....	117	226
Poughkeepsie	1896	425	Charter, §§ 146, 174, 175, 176.	233	706
Putnam county	1877	355	Sale of lands for unpaid taxes	446	1154
Sullivan county	1897	505	Sheriff a salaried office, § 3	323	947
Syracuse	1896	704	Pension fund, § 7	429	1180

LAWS OF NEW YORK

PASSED AT THE

Extraordinary Session of the Legislature, which began
July 11, 1898, and ended July 16, 1898.

Chap. 672.

AN ACT making an appropriation for the expenses of the National Guard and Naval Militia, and also for the National Guard and Naval Militia and Volunteers when called into service for the public defense or otherwise, and for the issue of bonds for such purposes.

Became a law July 16, 1898, with the approval of the Governor.
Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The sum of five hundred thousand dollars, or so much thereof as may be necessary, is hereby appropriated for the purpose of defraying the expenses of the National Guard and Naval Militia of this state, and volunteers furnished by the state, or either of them, when called into service for the public defense or otherwise on the request or requisition of the president of the United States; and also for defraying the expenses, including the purchase of uniforms, arms and equipments, connected with enlistments to replace organizations or parts thereof of the National Guard, or members thereof, which have or may become a part of the army of the United States, under any call for troops heretofore or hereafter issued by the president, or for

Appropriation for expenses.

the formation of new organizations of the National Guard, or of the Reserve Militia of the state; but no part of the money hereby appropriated shall be expended unless the governor shall certify that in his opinion there is a necessity for using the same or a portion thereof, and in such case the same shall be paid by the treasurer on the audit and warrant of the comptroller.

Certificate
of gover-
nor.

Comptroller may
borrow
money.

Issue of
bonds or
certifi-
cates.

Disposi-
tion of
premiums.

Applica-
tion of
money re-
ceived
from U. S.

§ 2. The comptroller is hereby authorized and directed to borrow from time to time not exceeding in the aggregate the sum of five hundred thousand dollars, for the expenses hereafter incurred under this chapter; and in addition thereto the amount necessary to meet the expenses heretofore incurred and audited by him for any purpose specified in this chapter, or in chapter one hundred and eighty-one of the laws of eighteen hundred and ninety-eight, and to issue bonds or certificates for the sums so borrowed under this section, payable within seven years from their date, bearing interest at a rate not exceeding four per centum per annum, which shall not be sold at less than par. The sums so borrowed are hereby appropriated for the purposes of this chapter and of chapter one hundred and eighty-one of the laws of eighteen hundred and ninety-eight, payable out of the moneys realized from the sale of said bonds or certificates. Any premium arising from the sale of bonds shall be applied to the sinking fund created for the purpose of paying the same, and interest thereon as the same becomes due. If the government of the United States shall reimburse the state, in full or in part, for expenses covered by the above appropriations, the moneys received shall be applied exclusively to the payment of said bonds and interest, or to the sinking fund created for the payment thereof.

§ 3. This act shall take effect immediately.

Chap. 673.

AN ACT making an appropriation for the expenses of the special session of the legislature, called by proclamation of the governor, to convene on July eleventh, eighteen hundred and ninety-eight.

Became a law July 16, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The sum of fifteen thousand dollars is hereby appropriated out of any moneys in the treasury not otherwise appropriated for advances by the comptroller for mileage of members and compensation of employes of the legislature.

Mileage of members and compensation of employes.

§ 2. The sum of three thousand dollars is hereby appropriated out of any moneys in the treasury not otherwise appropriated for advances by the comptroller to the clerks of the senate and assembly for contingent expenses and clerical services for the legislature, as may be approved on the part of the senate by the temporary president of the senate, and on the part of the assembly by the speaker of the assembly.

Advances for contingent expenses.

§ 3. This act shall take effect immediately.

Chap. 674.

AN ACT to provide the manner in which, and the time and place at which the qualified voters of the state absent from their respective election districts, in time of war, in the actual military service of this state or of the United States, in the army or navy thereof, may vote; and for the return and canvass of their votes in the election districts in which they respectively reside, and making an appropriation therefor.

Became a law July 16, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. **Time of election.** Whenever, in time of war, any qualified elector of this state shall be in the actual military service of this state or of the United States, in the army or navy thereof, and by reason thereof absent from his election district, such absent elector shall be entitled to vote as fully as if he were present at his place of residence in the manner hereinafter provided.

§ 2. General register of absent electors. It shall be the duty of the secretary of state to prepare and make a general register in which shall be enrolled in alphabetical order the names of the electors of this state absent from their respective election districts in time of war in the actual military service of this state or of the United States in the army or navy thereof. Such general register shall contain the name and residence, by street and number if any, the name of the county and city or town in which each such absent elector resides, so far as he can ascertain the same. It shall also contain the name or number or other designation of the regiment, company, troop, vessel or other command to which each such absent elector is attached or assigned, and the location of such command at the time of such entry, so far as he can ascertain the same. In order to secure the necessary information to make and complete such general register, it shall be the duty of the secretary of state to prepare proper blanks and forward the same to the commanding officer of each command in which there are any such absent electors of this state, to be filled out with the necessary information, attested by him, and returned forthwith, securely sealed, to the secretary of state. Such general register shall be a public record and shall at all reasonable times be open for inspection by any elector of this state. It is hereby made the duty of every public officer, and of every citizen, to render such assistance and information as he may possess, to the secretary of state, of all the facts relating to such absent electors; and any person who shall refuse so to do, or wilfully furnish false information in reference to such absent electors, shall be deemed guilty of a felony and shall, upon conviction thereof, be punished by imprisonment in a state prison for not less than one year nor more than three years.

§ 3. Poll-books and oaths. It shall be the duty of the secretary of state to cause to be prepared and printed in book form a sufficient number of poll-books, at least two books for each poll, for the use of the inspectors of elections at the polls of the elections held under the provisions of this act. Such poll-books shall be in the general form of those prescribed for use at elections in this state, omitting all columns except those for the number, name and residence of each elector, so arranged that there can be entered therein, in addition to such entries, in separate columns, the name of the county and city or town in which the persons voting at such poll reside or claim to reside; and also the desig-

nation of the particular command to which each such person is attached or of which he forms a part. Upon the first page of each such poll-book shall be printed the date and character of the election for which it is prepared, and blank spaces in which shall be written by the inspectors the place at which the poll was held, and the names and residences of the persons acting as inspectors of election thereat. Upon the page, following the last page of each such poll-book used for recording the names of voters at such poll, shall be printed a blank certificate, to be signed by the inspectors of election at the close of the polls. Such certificate shall be substantially in the following form:

"We, the inspectors of election for the general (or special) election held at (here follows the name of the place) on the....
day of 18..., do hereby certify that the names of the persons enrolled herein as having voted at such election, such persons numbering in all (here follows the number in figures and words) are all the persons who appeared before us and demanded to vote at such election, and took the oath required, and who voted at such election.

.....

Inspectors of election."

Such poll-books shall also contain the oaths for the inspectors of election provided in section ten hereof.

§ 4. **Official ballots.** It shall be the duty of the secretary of state to cause to be prepared and printed at least twice as many official ballots in the form hereinafter prescribed as there are electors absent from their respective election districts as shown by such general register. Each such official ballot shall be six inches wide and of such length as to allow one-quarter of an inch for the title of each office printed upon the face thereof and one-half inch for the name of each candidate for such office as the elector may lawfully vote for and one-half inch for the title of each class of offices. Each class of offices shall be separated by a solid black line one-eighth of an inch in depth running across such ballot. All such ballots shall be uniform in size and style of type used and shall contain the titles of all offices, as near as may be for which any elector may vote in any election district of the state at such election. The type and paper for such ballots shall conform generally to that used for the official ballots prescribed by the

election law of this state. Such ballot shall be printed in substantially the following form:

STATE OFFICES.

For Governor.

For Lieutenant-Governor.

JUDICIAL OFFICES.

For Associate Judge of the Court of Appeals.

[For Justice of the Supreme Court for Judicial District.

LEGISLATIVE OFFICES.

For Representative in Congress for Congressional District.

For State Senator for Senate District.

For Member of Assembly for District of County.

COUNTY OFFICES.

For Sheriff of County.

For District Attorney of County.

CITY OFFICES.

For Mayor of the City of

WARD OR TOWN OFFICES.

For Supervisor of Ward or Town of

For Justice of the Peace, Town of

ELECTION DISTRICT OFFICES.

For Inspectors of Election for Election District, Town of

Upon the back of each such ballot shall be printed the words:

“OFFICIAL WAR BALLOT

For the general (or special) election, held November , 18. . . . ”

§ 5. Provision for official envelope. He shall also cause to be prepared and printed at least twice as many official envelopes as there are electors absent from their election districts, as shown by such general register. Such envelopes shall be gummed, ready for sealing. Upon one side of such envelope shall be printed in substantially the following form the following:

OFFICIAL WAR BALLOT

FOR

GENERAL ELECTION, NOVEMBER , 189 .

Name of Elector
 Residence (street and number, if any)
 County of
 City or Town of

.
 Secretary of State.

Upon the other side of such envelope shall be printed the following oath:

“OATH OF ELECTOR.”

“ I do swear (or affirm) that I have been a citizen of the United States for ninety days and am now of the age of at least twenty-one years, or will be on the day of , 18. . ; that I will have been an inhabitant of the state of New York for one year next preceding this election and for the four months preceding such election a resident of the county of , and am a qualified elector, residing at (street and number, if any) , in the (city or town of) ; that I am in the actual military (or naval) service of the state of New York or of the United States, and at present attached to (here state the particular command to which attached); and that I have not received or offered, do not expect to receive, have not paid, of-

ferred or promised to pay, contributed, offered or promised to contribute to another, to be paid or used, any money or other valuable thing, as a compensation or reward for the giving or withholding of a vote at this election, and have not made any promise to influence the giving or withholding of any such vote, and that I have not made or become directly or indirectly interested in any bet or wager depending upon the result of this election, and that I have not been convicted of bribery or any infamous crime, or, if so convicted, that I have been pardoned and restored to all the rights of a citizen."

If at such election any proposed amendment to the constitution or other proposition or question is to be submitted to the vote of the electors of the state, the secretary of state shall furnish an equal number of ballots for questions so submitted in the form prescribed by section eighty-two of the election law, which shall be properly endorsed, as a war ballot.

§ 6. **Delivery of official war ballots, poll-books and envelopes.** The secretary of state shall cause to be delivered to the commanding officer of every command in which ten or more electors of this state are included, absent from their respective election districts in time of war in the actual military service of this state or the United States in the army or navy thereof, a sufficient number of official war ballots of each kind and official envelopes; at least twice as many as there are such electors in such command; and two poll-books for the use of such electors at each poll of each election held under the provisions of this act. Such official war ballots, poll-books and envelopes shall be delivered in time for use at the election for which they are prepared, in such manner and by such means as shall in the judgment of the secretary of state be deemed best suited to secure their safe and timely delivery for the use of the electors at the election for which they have been prepared.

§ 7. **Lists of nominations.** It shall be the duty of each county clerk or board with whom or which certificates of nominations of public office are filed to cause a certified list of such nominations to be forthwith forwarded by mail to the secretary of state, including the name and residence of each such nominee together with the title of the office for which he is nominated and the party or other political name specified in such certificates of nomination. It shall be the duty of the secretary of state after the receipt by him of such certified lists of nominations to com-

municate so far as practicable, to each commanding officer of any command having therein ten or more electors of this state absent from their respective election districts in time of war, in the actual military service of this state or the United States in the army or navy thereof, the name and residence of each person named in any certificate of nomination so certified by a county clerk or filed in the office of the secretary of state, together with the title of the office for which he is nominated and the party or other political name specified in such certificates of nominations; and upon receipt thereof each such commanding officer shall cause such information to be posted in a conspicuous place for the information of such absent electors in his command.

§ 8. Polls of election. Polls of an election held under the provisions of this act shall be opened on the day of such election at the quarters of the captain or other commanding officer of any company, troop or other command in the military service of this state or of the United States in the army or navy thereof, if the same be composed in whole or in part of electors of this state. All qualified electors of this state in such command may vote at such poll. Officers and enlisted men, electors of this state, attached to or forming part of a command having therein less than ten such electors, or who shall be detached by military order and absent from their command, may vote at such other poll as may be most convenient for them.

§ 9. Opening of the polls. Any election held under the provisions of this act shall be held upon the day of the general or special election in this state, or on any secular day within twenty days next prior thereto, such prior day to be fixed by the commanding officer of any command where the poll or polls for such election shall be held, by proclamation duly made; provided, however, that if by reason of the exigencies of war such election cannot be held in any of the polls herein provided on the day so fixed, such election may be held on the next day practicable thereafter upon like proclamation of the commanding officer of any such command; but such election shall not be held later than the day of such general or special election. Such polls shall be opened at such hour of the day as shall be most convenient for such electors and shall remain open not less than three hours and as much longer as shall, in the opinion of the inspectors of election serving at such polls, be necessary in order to receive the votes of all electors of this state entitled to vote at such polls;

but no polls shall be kept open later than sunset of the day on which such election shall be held. The inspectors shall at the opening of such polls make public proclamation of the opening thereof and the time at which such polls shall be closed, and as near as may be, at one hour before the closing of the polls, public proclamation shall again be made by the inspectors that the polls will be closed at a time certain then proclaimed, which shall be the hour announced in the proclamation made at the opening of the polls. The polls shall not for any reason be kept open after the hour fixed by the first proclamation.

§ 10. **Organization of the polls** .At the hour and place herein provided for the opening of the polls, the qualified electors of this state then present shall, by viva voce vote, select four of their own number to act at such election as the inspectors of election thereof. Such inspectors shall, so far as possible, be so selected that they shall equally represent the two political parties of this state which at the last preceding election in this state polled the highest and next highest number of votes respectively. Such inspectors, when so elected, shall choose one of their number as chairman of the board of inspectors by election or by drawing lots. Such chairman shall then administer the oath of office to the other inspectors and one of the other inspectors shall then administer the same to the chairman. The oath to be administered shall be as follows:

“I do solemnly swear (or affirm) that I will support the constitution of the United States and the constitution of the state of New York, and that I will faithfully discharge the duties of the office of inspector of election according to the best of my ability.”

Such oath or affirmation shall be written or printed, or partly written and partly printed, and attached to or entered upon the poll-books used at such election, and subscribed by the person taking the same, and certified to by the person administering the same. Immediately upon the organization of such board of inspectors the commanding officers to whom shall have been delivered any official war ballots, poll books and envelopes shall deliver the same to the inspectors of election of such election and shall take a receipt therefor, which receipt shall be forwarded by mail by such commanding officer to the secretary of state. The said inspectors shall produce and have at the polls, before any votes are taken by them, a box for the reception of the ballots

to be voted at such election. Before proceeding to take any votes they shall open said box and publicly exhibit the inside thereof, and the same shall be entirely empty. They shall then close and securely fasten the same and the said box shall not be opened again until the close of the polls at such election. Each such box shall have an opening in the top thereof for the reception of voted ballots. The chairman of the board of inspectors shall have charge of the ballot box during the election and shall receive from the qualified electors their envelopes containing ballots and shall deposit them in the ballot box. He shall designate two other inspectors, of opposite political faith, if possible, to keep the poll-books of such election. The remaining inspector shall have charge of the official ballots and envelopes and shall deliver the same to the qualified electors entitled to vote at such election.

§ 11. Conduct of election. The election shall be by ballot. Before any person shall receive an official ballot or be permitted to vote, he shall make and subscribe the oath printed upon the official envelope, as provided by this act, and any member of said board of inspectors is hereby authorized to administer and attest such oath. If any elector shall refuse to take the oath so tendered he shall not be allowed to vote; but if he shall take the oath tendered him his vote shall be accepted. Upon taking the oath required, the elector shall give to the inspectors keeping the poll-books, who shall enter upon such poll-book, kept by each of them, his name and residence by street and number, if any, county and city or town. He shall also give such other information as is required to be entered in such poll-book. When such elector gives such information to such inspectors, the inspector having charge of the ballots and envelopes shall write in the proper blank spaces upon such official envelope the name and residence by street number, if any, of such elector, and the county, and the city or town in which he claims to reside, and shall deliver such ballot or ballots and such envelope, to such elector. Such elector shall then retire to some convenient place and shall prepare his ballots and envelope for voting. The elector may write or paste upon his ballot the name of any person for whom he desires to vote for any office for which such elector may lawfully vote at such election. Any such elector may paste upon such ballot a printed ballot of his own selection or preparation, to be known as a paster ballot containing the titles of all the offices to be filled

and the names of the candidates therefor for whom he desires to vote and be entitled to vote at such election. Such paster ballot may be gummed and the elector may paste the whole or any part of such paster ballot upon the official ballot. Any name so written or pasted upon the official ballot shall be deemed the choice of the elector. All pasters shall be of white paper and printed in type uniform with that required to be used upon the official ballot and printed in plain black ink. A paster shall be so attached to the ballot that when the ballot is folded no printed portion of such paster shall be visible. After preparing his ballot and before delivering the same to the chairman of the board of inspectors, the elector shall fold his ballots in such a way that the contents of the ballot shall be concealed and enclose the same in such envelope which he shall securely seal. He shall then deliver such envelope to the chairman of the board of inspectors; but before such envelope shall be deposited in the ballot-box the chairman shall declare from such envelope the name of such elector and his residence by street and number, if any, county and city or town, and if such elector is entitled to vote and such envelope is securely sealed and his name and the other matter hereby required, is recorded upon the poll-books the inspector keeping such poll-books shall announce the same as correct and shall record such elector as voting. The chairman shall thereupon deposit such envelope containing such ballot or ballots in the ballot-box. Any elector so having voted, shall not again be entitled to vote at such election, though present on election day in the election district where he resides. If, for any cause, the official ballots, poll-books and envelopes shall not be provided as required by law at any polling place, upon the opening of the polls for any election thereat, or if the supply of official ballots or envelopes shall be exhausted before the polls are closed, unofficial ballots, poll-books and envelopes printed or written, made as nearly as practicable in the form of the official ballot, poll-books and envelopes may be used.

§ 12. **Count of the votes.** As soon as the polls of an election are closed, the inspectors of election thereat shall publicly destroy all official envelopes and ballots not voted; and shall then publicly open such ballot-boxes and count and ascertain the number of electors voting and not adjourn or postpone the count until it shall be fully completed. The board of inspectors shall commence the count by comparing the two poll-books used at such election,

correcting any mistakes therein, and by counting the envelopes containing ballots found in the ballot-boxes without opening them, and by comparing the envelopes containing ballots found in such box with the number shown by the poll-books to have been deposited therein. The inspectors shall number each elector whose name is recorded in such poll-books as having voted beginning with the first name entered therein and numbering the same in consecutive order and shall fill out and sign the certificate required to be made by them as to the whole number voting at such election. If the envelopes containing ballots found in such box shall be more than the number of such envelopes so shown by the poll-books to have been deposited therein the inspectors shall compare the names upon such envelopes with the names recorded in such poll-books and all such envelopes so found in said ballot-box purporting to have been deposited therein by an elector whose name is not duly entered in such poll-books as herein provided, shall with their contents be immediately destroyed, without opening the same; and if more than one such envelope shall be found in said ballot-box purporting to have been deposited therein by the same elector, then all such envelopes and their contents purporting to have been deposited in such ballot-box by such elector shall be destroyed. No such envelope that has not the official endorsement as herein provided shall be counted. At the completion of the count the inspectors shall certify the correctness of the same upon the poll-books and shall publicly announce the result of such count. The inspectors shall thereupon enclose all such envelopes containing ballots without opening the same, in a sealed package with one of said poll-books and shall direct them to the secretary of state, at Albany, New York, and shall forward the same by mail or express to him as soon as possible after such election. The other of such poll-books shall be sealed in an envelope directed to the governor of the state of New York, at Albany, New York, and shall be forwarded forthwith to him by mail or express, but by different hands, if possible, from those carrying such envelopes containing ballots and such poll-books, so directed to be forwarded to the secretary of state; receipts therefor, respectively, being taken by the chairman of the board of inspectors.

§ 13. Returns not to be rejected because of informality of election. No mere informality in the manner of carrying out or executing the provisions of this act shall invalidate the election held

under the same or authorize the rejection of the returns thereof; and the provisions of this act shall be liberally construed for the purposes herein expressed or intended.

§ 14. **Disposition of envelopes and ballots.** Upon the receipt by the governor of the poll-books of the votes cast at any such election, he shall deliver the same to the secretary of state. The secretary of state shall upon receipt of the packages notify the chairman or any member of the state committees of the parties which at the last election for governor cast the highest and next highest number of votes for such office, that at a day and hour named therein at his office he will open the packages and compare the poll-books with the envelopes containing ballots received by him and with the poll-books if any received from the governor. Such notice shall be served personally or by mail directed to the last known place of residence of such person. He shall forthwith prepare from said poll-books and envelopes a separate statement for each county under his official seal in which shall appear all the information hereby required to be entered in such poll-books, concerning the electors resident in such county. He shall affix his seal of office to each such envelope and shall transmit such statement with all the envelopes containing ballots of such electors resident in such county, to the clerk of each such county, taking his receipt for such statement and the number of such envelopes, who shall forthwith give written notice of such receipt by him, to the board of inspectors of election of each district to which they respectively relate, by enclosing such notice in a properly sealed wrapper addressed to the chairman of such board at his postoffice address and by pre-paying the postage thereon. Each county clerk after the receipt of such statement and envelopes shall notify the chairman or any member of the county committees of the parties which at the last election for governor cast the highest and next highest number of votes for such office in the state, that at a day and hour named therein at his office he will open the packages containing such statement and envelopes. Such notice shall be served personally or by mail directed to the last known place of residence of such person. It shall be the duty of the county clerk to prepare a separate statement in like form for each election district in said county in which any such elector shall reside, and to transmit or deliver such statement with the envelopes containing ballots of electors resident in such election

district to one of the inspectors of election of said district, taking his receipt therefor, on the day before the board of inspectors of election of said district shall convene for the purpose of canvassing such votes, as herein provided, who shall deliver the same to such board. All statements provided by this act shall be public records. The board of inspectors in any election district wherein any such ballots are to be canvassed, shall convene at the place where the election was held, on the sixth Tuesday after the election day at ten o'clock in the forenoon to canvass such votes. It shall be the duty of each board of inspectors of election immediately upon their convening as herein provided, to open said polls; and the chairman thereof or, in his absence, such other member as shall be chosen to act as chairman, as provided by law, shall publicly read aloud the indorsement contained upon each such envelope, and if such elector shall be a qualified elector in such election district, the chairman or acting chairman, shall then carefully open said envelope and without unfolding or inspecting the contents of such ballot or ballots, shall deposit the same in the ballot-box or boxes provided therefor. If any such envelope shall contain more than one ballot for the same offices, amendment or question, all ballots therein shall be rejected. Said inspectors shall file all such envelopes with their return in the office of the county clerk of the county where the said election district is situated. If upon investigation made before the deposit of said ballot it shall be determined that such elector is not a qualified elector in said election district, his said ballot or ballots shall be destroyed without unfolding or inspecting the same, and the said envelope shall be filed as above provided.

§ 15. Canvass by election district and county canvassers. After all such ballots shall have been cast, said inspectors of election shall immediately proceed to canvass the same, and make a statement and return thereof as provided by law, and forthwith forward the same to the county clerk, by one of their number. The county board of canvassers or such other board as performs like duties, shall convene on the sixth Thursday after the election day, at their usual place of meeting, at one o'clock in the afternoon, for the purpose of canvassing such statements and returns.

§ 16. Canvass by county board. At such meeting of the county or other canvassing board the said board shall proceed to canvass such statements and returns of the respective election dis-

strict boards of inspectors and shall from such statements and returns, together with the statements and returns theretofore made of such election, make new and separate statements of the votes cast in such county or any part thereof, and shall complete their canvass and make the statements provided for by section one hundred and thirty-five of the general election law, and they shall not, until such meeting, determine the result of the election, anything now provided by law to the contrary notwithstanding. But nothing herein shall prevent any county board of canvassers from proceeding as provided by the election law except as to such final determination. Such meeting or meetings of the board of county canvassers shall be deemed a continuation of its regular session.

§ 17. Canvass by state board. If any such new statements shall be made by a county board after the time fixed by law for the canvass of the regular statements of the county boards by the state board of canvassers, the state board of canvassers shall convene upon notice by the secretary of state and shall proceed to canvass such new statements of a county board, and their original canvass, if any, shall be corrected accordingly; and the state board of canvassers shall cause a determination of such result to be made in accordance with such new statements. And they shall not, until such meeting, determine the result of the election, anything now provided by law to the contrary notwithstanding.

§ 18. Returns or statements not made and filed prior to certain dates in any year not to be canvassed. No statement, as provided by this act, which shall not have been duly made and filed by a county board of canvassers prior to the twenty-ninth day of December next succeeding such election in any year, shall be canvassed or affect the result of such an election; and no return or statement not received by a county board of canvassers at their meeting, herein provided for, shall be thereafter canvassed, or affect the result of such election.

§ 19. Provisions of penal code relating to crimes against the elective franchises to apply. All the provisions of the penal code relating to crimes against the elective franchise shall be deemed to apply to all elections held under the provisions of this act, and any person who shall violate any such provisions may be indicted at any time in any county of this state and may be fined or imprisoned or both so fined and imprisoned upon conviction thereof whenever found in this state.

§ 20. **Filling vacancies in the office of inspector of elections.** It shall be lawful for a majority of the inspectors of election, provided for by this act to execute all the trusts and duties required to be executed by the inspectors herein provided for. And if for any cause, after the inspectors of election hereinbefore provided for shall have been chosen, any of the said inspectors shall permanently absent himself from the place of holding such election, or shall for any cause be obliged permanently to leave the place of holding such election, the remaining inspectors, or on their default the electors present may fill such vacancy preserving, if possible, the bi-partisanship of such board; and any person so appointed to fill such vacancy shall take the oath of office and shall thereupon continue with the other inspectors to perform the duties of such office at such election to the end thereof.

§ 21. **Elections may be contested** All elections held under this act shall be subject to contest and inquiry in the same manner as elections held within this state. The sealed packages of voted ballots shall be held inviolate in the office in which they are filed, subject to the order of a court of competent jurisdiction and may upon such order of such court be opened and canvassed.

§ 22. **General provisions of the election law to apply.** The several officers or persons authorized by the provisions of this act to conduct the elections held by virtue thereof shall have the like powers, and they, as well as other persons who may be candidates for office at such election, or who may attend such election, or may vote or offer to vote at such election, shall be subject to the like penalties and restrictions as are declared and provided by law in case of elections within this state, and all provisions of the general election law of this state, as far as applicable and not inconsistent with the provisions of this act shall apply to elections held under this act.

§ 23. **Copies of this act to be published and distributed.** The secretary of state shall, immediately upon the passage of this act, cause the same to be published in pamphlet form, properly indexed, and shall cause the same to be as generally, as may be, circulated among the electors of this state absent from their respective election districts in time of war in the actual military service of this state or of the United States, in the army or navy thereof. The secretary of state shall also provide in addition to the necessary official ballots, poll-books and envelopes, such other blank forms, envelopes, instructions to voters, and other stationery,

for use at each poll of any election held under this act, as may be necessary for the proper conduct of such election and shall transmit them to the proper place and to the proper persons in ample time for their safe delivery and use at such election. He may procure any of the printing and supplies required by this act wherever he deems it desirable for the best interests of the state. He shall also provide for the return of such poll-books, envelopes and ballots of such election to him at the expense of this state.

§ 24. Appropriation.—The sum of twenty thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the treasury not otherwise appropriated, for the purpose of carrying out the provisions of this act.

§ 25. This act shall take effect immediately.

Chap. 675.

AN ACT to amend section twelve of chapter nine hundred and nine of the laws of eighteen hundred and ninety-six, entitled “An act in relation to the elections, constituting chapter six of the general laws,” as amended by chapter three hundred and seventy-nine of the laws of eighteen hundred and ninety-seven, relating to the appointment and qualifications of election officers in cities.

Became a law July 16, 1898, with the approval of the Governor.

Passed, a majority being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section twelve of chapter nine hundred and nine of the laws of eighteen hundred and ninety-six, entitled “An act in relation to the elections, constituting chapter six of the general laws,” as amended by chapter three hundred and seventy-nine of the laws of eighteen hundred and ninety-seven, is hereby amended to read as follows:

§ 12. Appointment and qualifications of election officers in cities. The police board of The City of New York and the mayor of each other city shall, on or before the first day of October of each year select and appoint election officers for each election district therein, and may fill any vacancy which may occur before the opening of the polls on election day. Each political party entitled to representation in any board of election officers may, not later than the first day of August in each year, file with such

board or mayor an original list of persons, members of such party duly qualified to serve as election officers. A supplemental list may also be filed containing not more than ten names for each office. Additional supplemental lists for any election district may be filed at any time before the appointments for such district are made and certified by such board or mayor, or when a vacancy shall exist in the original list by reason of the disqualification of any person on such list, and all appointments shall be made from the original list if those named therein are found qualified, if not so qualified, then from a supplemental list so filed. If within ten days after notice in writing by the board or mayor to the chairman of the committee or other person by whom the list is filed and authenticated, such chairman shall neglect to file an additional list, the board or mayor may appoint qualified persons, members of the party in default, to act as election officers. In the city of New York such lists shall be authenticated and filed by the chairman of the executive committee of the county committee of the party in the respective counties wholly or partly within such city, as constituted by the Greater New York charter; in other cities, by the chairman and secretary of the general, city or county committee of such party, if there be such a committee, or if not, then by the corresponding officers (by whatever name known) of any committee performing the usual functions of a city or county committee; provided however, that if in any city more than one such list be submitted in the name or on behalf of the same political party, only that list shall be accepted which is authenticated by the proper officer or officers of the faction or section of such party, which was recognized as regular by the last preceding state convention of such party; or, where no such convention has been held within the year, by the proper officer of the faction or section of said party which, at the time of the filing of said list, is recognized as regular by the state committee of such party, which was organized by or pursuant to the direction of the last preceding state convention of such party. All persons so proposed for appointment may be examined as to their possessing the qualifications required by section eleven of the election law by or under the direction of the mayor or board, who shall give five days' notice in writing of such proposed examination to the person to be examined, and also to the chairman of the committee or other person by whom the list was filed and authenticated,

and such chairman or other person may appear and be heard on such examination, either in person or by counsel. If a person so nominated is not examined, or if after examination he is found qualified, under section eleven of the election law, he shall be appointed to the position for which he was recommended. If a person so proposed is found disqualified after examination, notice in writing to that effect shall be given by the mayor or board within three days after such disqualification is determined by such mayor or board, to the chairman of the committee or other person by whom the list embracing the name of the person so disqualified was authenticated, and the vacancy shall be filled by the appointment of a qualified person named in a supplemental list filed on behalf of the same party, except that if a party entitled to representation files no list, the appointment may be made without such lists, as provided in this section. In the city of New York the members of the board charged with the duty of appointing election officers, who represent the same political party, shall have the exclusive right and be charged with the exclusive duty of selecting from the lists submitted, or in lieu of persons named on said lists who shall have been found disqualified, the members of such party who are to be appointed as election officers. Every person so appointed as an election officer shall, within five days after notice of his appointment, take and subscribe the constitutional and statutory oaths of office, which shall be administered, if in The City of New York, by the superintendent of elections or by the chief of the branch bureau of elections in the borough in which they are appointed to serve, or the chief clerk, or assistant clerk of such bureau designated by the police board to perform such duties; and if in any other city, by the mayor thereof, or by any person or persons designated by him for that purpose; and all of said officers, and every clerk or person so designated by them or him for that purpose, shall be and is hereby authorized and empowered to administer such oaths. Every person so sworn as an election officer shall receive a certificate of appointment and qualification, signed by the person who administered the oath, in such form as may be approved by the board or officer by which or whom he was appointed, and specifying the capacity and the election district in which he is to serve, and the date of the expiration of his term of office. Any election officer so appointed may be removed for cause by the board or mayor making the appointment, in which case such removal, un-

less made while such officer is actually on duty on the day of registration, revision of registration or election, and for improper conduct as an election officer, shall only be made after notice in writing to the officer to be removed, which notice shall set forth clearly and distinctly the reason for his removal. All such vacancies so created shall be filled in the same manner as the original appointment was made. Any election officer who shall at any time be appointed to fill a vacancy, which fact shall be stated in his certificate of appointment, shall hold office only during the unexpired term of his predecessor, and provided that no election officer shall be transferred from one election district to another after he has entered upon the performance of his duties. The chairman of each board of inspectors of each election district shall, within twenty-four hours after any election, furnish to the mayor or board appointing such officers, if required so to do by such mayor or board, under his hand, a certificate stating the number of days of actual service of each member of such board, the names of the persons who served as poll clerks and ballot clerks on election day, and the number of days during which the store, building or room hired for registration and election purposes was actually used for such purposes. Any person acting as such chairman, who shall wilfully make a false certificate shall be deemed guilty of a misdemeanor. Every person appointed as an election officer, failing to take and subscribe the oath of office as hereinbefore prescribed, or who shall wilfully neglect or refuse to discharge the duties which he was appointed to perform, shall, in addition to the other penalties prescribed by law, be liable to a fine of one hundred dollars, to be sued for and recovered by the mayor or board making the appointment, in a court of record, for the use and benefit of the treasury of such city. Any election officer who, being removed for cause, shall fail upon demand to deliver over to his successor the register of electors, or any tally sheets, book, paper, memorandum or document relating to the registration of electors or the election in his possession, so far as he has made it, shall be liable to a like penalty to be recovered in a like manner for the benefit of such city. All persons appointed and serving as election officers on each of the days of registration and of election and of count of the votes in cities of the first class shall be exempt from jury duty for one year from the date of the general election at which they serve.

§ 2. This act shall take effect immediately.

Chap. 676.

AN ACT to create a metropolitan elections district; provide for the appointment of a state superintendent therein, and to prescribe his powers and duties.

Became a law July 16, 1898, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Metropolli-
tan
elections
district.

Section 1. The counties of New York, Kings, Queens, Richmond and Westchester are hereby constituted a metropolitan elections district for the purpose of all elections for state officers hereafter to be held therein.

State
superin-
tendent of
elections.

§ 2. The governor, within ten days after this act takes effect, shall appoint an officer, by and with the advice and consent of the senate, to be known as "the state superintendent of elections for the metropolitan elections district." He shall be a resident of one of the aforesaid counties and shall hold office for the term ending December thirty-first, nineteen hundred and two. His successor shall be appointed for the full term of four years, and all terms shall expire on the thirty-first day of December. Vacancies shall be filled for the remainder of the unexpired term. Such superintendent may be removed from office in the same manner as a sheriff. He may appoint a chief deputy without nomination, a clerk and a stenographer, and remove them at pleasure.

Chief
deputy
and assist-
ants.

Powers of
superin-
tendent
and depu-
ties.

§ 3. Such state superintendent of elections and each deputy appointed by him, shall possess and exercise all the powers vested in a sheriff, as a conservator of the peace, either by statute or common law.

Deputies,
appoint-
ment, etc.

Notice to
chairmen
of county
commit-
tees.

§ 4. Such superintendent may appoint not exceeding six hundred deputy superintendents of elections for the metropolitan elections district for service in the counties mentioned in the first section of this act, and administer to them the oath of office. On or before the fifteenth day of August said state superintendent shall notify the chairman of each county committee representing a political party in such county in said metropolitan elections district entitled to representation in local election boards therein, that each such party is entitled to nominate one-half the number of deputies to be appointed, and shall in such notification specify the number to be nominated by the party so notified, and that written nominations for such appointment will be received by him on or before a specified date. A deputy state superintendent

Qualifica-
tions of
deputies.

must possess the qualifications of election officers required by the election law, except that he need not be a resident of the election district in which he serves. Each such chairman of a county committee may present to the state superintendent a list containing the number of names specified in the notice given by the superintendent to the said chairman, and appointments shall be made from such lists or from a supplemental list as herein provided. One-half of the appointments so made shall be made from each of the parties making such nomination, provided, however, that all persons so appointed shall possess the qualifications required by law. All persons so proposed for appointment may be examined as to their possessing the qualifications required by section eleven of the election law, by or under the direction of the state superintendent, who shall give five days' notice in writing of such proposed examination to the person to be examined, and also to the chairman of the committee or other person by whom the list was filed and authenticated, and such chairman or other person may appear and be heard on such examination, either in person or by counsel. If a person so nominated is not examined, or if after examination he is found qualified, under section eleven of the election law, he shall be appointed. If a person so proposed is found disqualified after examination, notice in writing to that effect shall be given by the superintendent within three days after such disqualification is determined by him, to the chairman of the committee or other person by whom the list embracing the name of the person so disqualified was authenticated; and such chairman or other person may thereupon file a supplemental list containing the names of persons nominated to fill such vacancies. Additional supplemental lists may also be filed from time to time on notice by the superintendent, until all the appointments to which a party is entitled are made. Any vacancy occurring by disqualification or otherwise shall be filled by the appointment of a qualified person named in a supplemental list filed on behalf of the same party, except that if a party entitled to representation files no original list, nor a supplemental list after notice, the appointment may be made without such lists, and without nomination.

List of names and appointments therefrom.

Examination as to qualifications.

Proceedings upon disqualification of persons.

Supplemental lists of nominations.

Vacancies.

The term of office of a deputy superintendent appointed under this section shall expire on the thirty-first day of December of the calendar year in which he is appointed.

Terms of deputies.

§ 5. The superintendent, whenever he deems it necessary, may

Additional deputies.

appoint, without nomination, and at pleasure remove, not more than one hundred additional deputies, to be employed by him in enforcing the provisions of this act. Deputies appointed under this section shall not as such be entitled to attend at the polling places on election day, but in all other respects possess the same powers and are charged with the same duties as other deputies appointed under this act.

Deputies
under
control of
superin-
tendent.

Powers of
deputies.

§ 6. All deputies appointed under this act shall be subject to the direction and control of the state superintendent, and he may assign them to any election district in the metropolitan district. Such deputies when directed by the state superintendent shall, or on their own motion, or on complaint of any citizen of the state may:

1. Investigate all questions relating to registration of voters, and for that purpose shall have power to visit and inspect any house, dwelling, building, inn, lodging-house or hotel within the metropolitan district, and interrogate any inmate, house-dweller, keeper, care-taker, owner, proprietor or landlord thereof or therein, as to any person or persons residing or claiming to reside therein or thereat.

2. Arrest any person without warrant who in his presence violates or attempts to violate any of the provisions of the election law or the penal code relating to crimes against the elective franchise.

3. Execute warrants of arrest and take into custody the person or persons named in such process.

4. Inspect and copy any books, records, papers or documents, relating to or affecting the election or the registration of electors.

5. Require every lodging-house keeper, landlord or proprietor to exhibit his register of lodgers therein at any time to such deputy.

Penalty for
refusal of
informa-
tion, etc.

Any person who neglects or refuses to furnish any information required or authorized by this section, or to exhibit records, papers or documents herein authorized to be inspected, or which are required to be exhibited, shall be guilty of a misdemeanor.

Aid and
assistance
of public
officers.

§ 7. The state superintendent, or any deputy, may call on any person to assist him in the performance of his duty; and he may also call on any public officer who by himself or his assistants, deputies or subordinates shall render such assistance as may be required. Any such person, public officer, deputy or subordinate who shall fail on demand by the state superintendent or any deputy to render such aid and assistance in the performance of

Penalty for
failure to
render
same.

his duty as he shall demand, or who shall wilfully hinder or delay, or attempt to hinder or delay such superintendent or deputy in the performance of his duty, shall be guilty of a felony, and shall upon conviction thereof be sentenced to imprisonment in a state prison for a period of not more than three years; and if a public officer, shall, in addition to such imprisonment, forfeit his office. A member of a uniformed police force shall, for the purposes of this act, be deemed a public officer.

§ 8. The state superintendent may attend at any election, and each deputy superintendent shall, on election day, attend the election at the polling place to which he is assigned. The state superintendent shall assign an equal number of deputies from each of the parties entitled to nominate deputy superintendents at every polling place where such deputies are assigned by him. The state superintendent and each deputy shall be admitted at any time within any polling place and within the guard rails thereof. It shall be the duty of the superintendent and of each deputy during the election to preserve order and arrest any person violating or attempting to violate the election law or any provision of the penal code relating to the elective franchise.

Attendance at polls.

Preservation of order, etc.

§ 9. It shall be the duty of every proprietor, lessee or keeper of a lodging-house in the metropolitan elections district to make a sworn daily report from and beginning thirty days before the election next ensuing to the said superintendent of elections to and including the day prior to the day of such election, which report shall contain the names of the lodgers therein during the twenty-four hours preceding the making of such return, and such other facts regarding them as is now required by law to be stated in the sworn fortnightly return of such lodging-house proprietor, lessee or keeper to the local board of health in cities of the first class. Any such proprietor, lessee or keeper who shall violate this provision shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than ten dollars nor more than one hundred dollars for each such violation.

Lodging-house keepers, etc., to report.

Violation of provision.

§ 10. In any city within the metropolitan district, the board of inspectors of each election district shall immediately at the close of each day of registration make and complete one list of all persons enrolled in their respective districts, in the numerical order of the streets and numbers thereof, which list shall be signed and certified by the board of inspectors. Such list shall be delivered forthwith by the chairman of the board of inspectors to the state superintendent of elections at his office.

List of persons enrolled on registration day

Delivery to superintendent.

Removal of
deputies.

§ 11. The state superintendent of elections may remove at any time for cause a deputy appointed by him and shall employ in his place a member of the same political party, which appointment shall be made in the same manner as the original appointment. This section shall not apply to the chief deputy superintendent, nor to the deputies authorized in section five of this act.

Salaries
and com-
pensation.

§ 12. The annual salary of the state superintendent of elections shall be five thousand dollars; of his chief deputy, three thousand five hundred dollars; of the clerk, fifteen hundred dollars; of the stenographer twelve hundred dollars; payable monthly. Each deputy, except the chief, shall receive five dollars for each day's service, not exceeding forty days prior to and including election day, for any one election, to be paid on the certificate of the superintendent or chief deputy. All salaries and other compensation provided by this section shall be paid by the state treasurer on the warrant of the comptroller. The state superintendent may provide an office for his use and furnish it with needed furniture, stationery and supplies, and expend for such purpose and for his disbursements and expenses in discharging his duty and in carrying out the provisions of this act, not exceeding seven thousand dollars each year, to be paid by the state treasurer on the audit and warrant of the comptroller.

Offices and
supplies.

Report,
etc., to
governor.

§ 13. The state superintendent of elections shall annually in the month of December file with the governor a report showing the names and residences of the persons appointed by him as deputies during the year, the number of days each has served, the compensation certified for each, the number of arrests made for violation of the election law or the penal code, the names of the persons arrested, the nature of the offense charged, the disposition thereof, and any other facts in relation to the administration of his office which the state superintendent may deem proper or which may be required by the governor. He shall make such rules for the control and conduct of his deputies as he may deem advisable not in conflict with law.

Rules.

Appro-
priation.

§ 14. The sum of one hundred and sixty thousand dollars, or so much thereof as may be necessary, is hereby appropriated for the purposes of this act, out of any moneys in the treasury not otherwise appropriated.

Repeal.

§ 15. All acts and parts of acts, general, local or special, inconsistent with the provisions of this act, are hereby repealed.

§ 16. This act shall take effect immediately.

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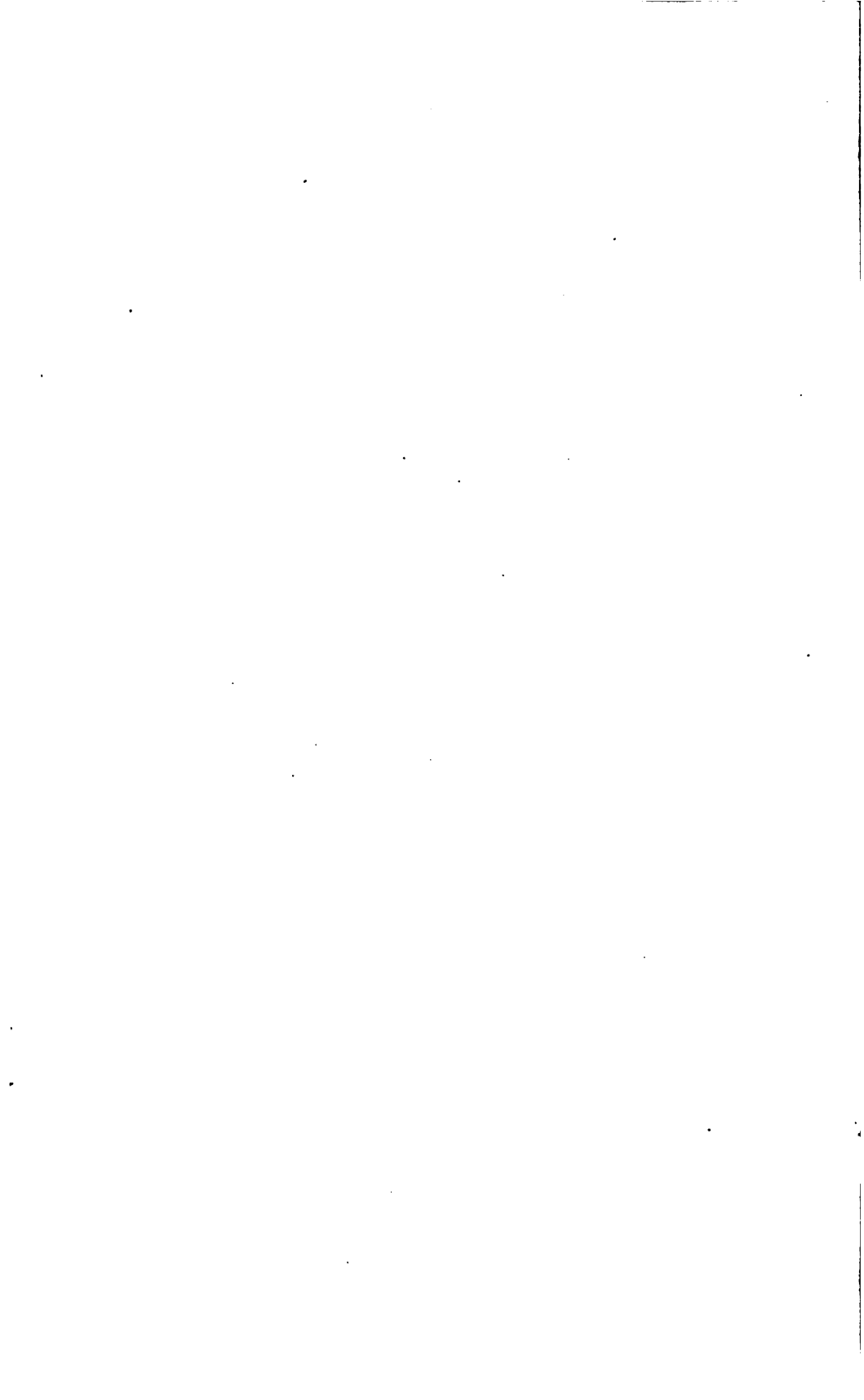
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